

C. S. L.
ms.
California Legislature.

Hearing of The
INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY,
STATE OF CALIFORNIA

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Held in
State Building
San Francisco, California,

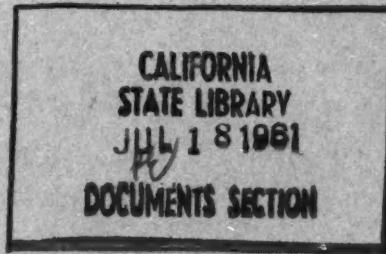
October 12, 13, 1950 [and]
10:00 O'clock, A. M.

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Held in
State Building
Los Angeles, California,

October 26, 27, 1950.
10:00 O'clock, A. M.

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3 THURSDAY, OCTOBER 12, 1950, 10:00 O'CLOCK, A. M.
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8 CHAIRMAN STEWART: The meeting will come to order. This meeting is
9 called to discuss House Resolution 183, referred to the Assembly Committee
10 on Governmental Efficiency and Economy. The Committee employed Mr. Louis
11 J. Kroeger to make a study of the possibilities of what may be done under
12 the resolution, and Mr. Kroeger is here. I will first introduce the
13 members of the Committee.

14 Mr. Ralph Brown is over there by the Secretary of the Committee;
15 Mr. Collier of Los Angeles County is next; this is Mr. Lincoln of
16 Alameda County; then Mr. Grant of Los Angeles County; Mr. McCarthy of
17 San Francisco; and I am A. I. Stewart of Pasadena.

18 Mr. Kroeger, we will be glad to hear from you.

19 MR. KROEGER: Mr. Chairman, I should like to discuss our Second
20 Progress Report. This report is an analysis of the problem that is
21 posed by the resolution, and makes certain suggestions for consideration.
22 I want to emphasize now, as I emphasized several times in the report,
23 that the suggestions made in it are suggestions advanced for the purpose
24 of discussion. They are not at this stage a firm recommendation of the
25 staff. It is, of course, understood that the Committee has taken no
26 position whatsoever with respect to the contents of this report.

27 After we were commissioned to make this study for the Committee we
28 gathered up all of the state and local regulations that we were able to
29 discover, bearing on any aspect of the subject of building regulations,
30 having in mind now that we are talking about matters of building safety,
31 and not the social implications of housing and many other things it has
32 been suggested this inquiry might have included.

33 In the course of that review of state and local statutory and
34 administrative regulations, we have gone through about forty-four hundred
35 pages of material on the subject. That in itself is some indication that
36 there are many regulations and as a result there are conflicting regula-
37 tions affecting building and safety standards.

38 Our first thought in early discussions with the Chairman was that we
39 would analyze these materials and prepare a detailed report which would
40 show graphically all of the places at which these regulations are in conflict.
41 But, as I waded through forty-four hundred pages of regulations, it seemed
42 impossible to reduce the mass to any sort of a chart or any sort of a
43 summary which would show all of that conflict in detail and yet be brief
44 enough for the members of the Committee to go through.

45 I believe we could have reduced the forty-four hundred pages to four
46 or five hundred pages, but that is still a lot of material to go through.
47 The more we have pursued this study the more it seems to me it is not
48 necessary really to make a very strong and extensive case to the effect
49 that there are conflicts existing at the present time.

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3 I haven't yet encountered anyone that disagrees on that point. Every-
4 body agrees that there is a problem. There are conflicts in building regu-
5 lations among state agencies. There are conflicts in building regulations
6 among local agencies. There are certainly conflicts between state and
7 local agencies -- and that latter conflict is the one that seems to be the
8 cause of the greatest trouble.
9
10

11 The scope of the study as we have understood it relates strictly to
12 building regulations in matters of building safety. We haven't gone into
13 zoning. We haven't gone into the question of whether certain local regula-
14 tions are unduly restrictive. We haven't attempted to investigate any
15 complaint about restrictive labor union practices in the building trades.
16 We haven't gone into the administrative practices of local or state
17 agencies. We have been concerned strictly with the literal application
18 of the resolution which I understand has to do with the question of whether
19 or not there is a conflict between state and local regulation, and if so,
20 what is the nature of the conflict and what legislatively can be done about
21 it?
22

23 We have summarized beginning on page 2 the general points about
24 which we believe there is no disagreement.
25

26 It may be that in the course of the hearings we will find disagree-
27 ment. If there is any, we certainly want to know about it. We find
28 general agreement on these points:
29

30 1. There are too many conflicts in building regulations to make it
31 feasible or desirable to attempt to recite them in full.
32

33 I said we could prepare a four or five hundred page report for you,
34 but I think it would be too bulky to consider intelligently.
35

36 2. We believe there are too many conflicts, and in such a variety
37 of types of regulations, to make it feasible or desirable ever to try to
38 resolve the conflicts by detailed legislative action.
39

40 We believe there has to be a more fundamental and a more general
41 approach to the solution of this problem. We believe that the real
42 problem is to find a proper definition of the relative authority and
43 responsibility in this field of building regulations, the state on the
44 one hand and the local jurisdictions on the other.
45

46 3. We find that there is a uniform building code which has been
47 adopted by many of the cities but it is frequently amended when it is
48 adopted locally and the result is that there is not a completely uniform
49 building code.
50

51 4. The authority to make laws and rules on building constructions
52 is widely scattered among state and local agencies.
53

54 It shows later in this report there are some ten state agencies that
55 are involved in this field and then, of course, every city has the author-
56 ity to have building regulations and every county has the authority to
57 have building regulations.
58
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5. The rule making power is frequently mingled with enforcement authority. That is particularly true in the state agencies which have the authority to make rules on this subject and at the same time to enforce them.

6. Regulations governing the construction industry have a variety of purposes, of which the principal ones are assuring adequate structural soundness, protecting surrounding economic values, and assuring the safety of persons where they live, where they work and where they assemble.

These various agencies of different governing bodies have a variety of interests. The fire marshal has a just and proper interest in determinations of fire safety. The Department of Industrial Relations also is concerned with the safety of working people. There is a certain responsibility for safety in housing vested in the State Division of Housing — and so it goes on through many many agencies.

7. The rules governing building safety do not always clearly distinguish among these different purposes.

It seems to me there is an intermingling of interest on the part of these agencies between structural safety and safety of equipment for working purposes and all that sort of thing.

8. One general complaint, particularly about state regulations is that they are not always readily available, and also that they are written in voluminous and complicated manner which makes it difficult for individuals to understand them. There are complaints, of course, about cases where buildings have been completed to the best knowledge of the builders and in good faith under local regulations only to learn later that some other regulation to which they could not have access was violated, with the result that work has to be torn out and done over again according to some other standards. The result of this, of course, is that a local permit as it now stands just isn't a guarantee to the builder that he can safely go ahead. The result is that a citizen who has to build or his architect or his contractor in the end really becomes coordinator of a variety of public agencies.

9. And then, the final conclusion, of course, that inevitably comes from this is the building construction is slower and costlier as a result of these confusions and conflicts.

Beginning on page 3 we have discussed the nature of the existing conflicts, which we need not read in detail. I think everybody is familiar with it. The important point to stress is that these conflicts exist among the state agencies themselves; they exist among the city agencies themselves; they exist between the state and cities; they exist between the cities and counties.

We have listed here the ten state agenices that have a variety of interests in the subject.

Beginning on page 7 under the heading of "Problems of Builders", we

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4 have summarized some points that in effect are a reiteration of what has
5 gone before in this report -- that because of the confusion and duplication
6 there has been added cost and difficulty in building.
7

8 Now, starting on page 8, we outline some alternative ways of treating
9 this problem, which start from the extreme of leaving it alone -- which
10 has been the attitude of a few people we have talked to. They argue that
11 this thing is in such a mess you can't do anything about it anyway so why
12 not just forget it? I think it is an unacceptable conclusion.
13

14 I think something must be done about it. It has to be done in the
15 interests of those who want to build; in the interests of the building
16 industries, professions and trades; in the interests of those who finance
17 building; and in the interests of the governmental agencies themselves.
18

19 Other alternatives we have discussed range from the extreme on the
20 one hand of the state making and enforcing all regulations (which seems to
21 me quite undesirable) to the other extreme of turning the matter completely
22 over to each individual local unit (which I think is equally undesirable
23 because it would only add to the confusion, particularly in the metropolitan
24 areas).
25

26 If forty-five cities in Los Angeles County each had sole authority
27 in this field, the confusion in that area would undoubtedly be greater
28 than where in some matters at least, there is uniformity imposed by state
29 agencies.
30

31 We have offered a plan for discussion. It is offered as a topic to
32 be kicked around, with no pride of authorship on our part, but with only
33 the desire to give you something that can be used as a target in order to
34 draw out the thinking of everyone concerned.
35

36 The plan we offer for discussion is set forth beginning on page 10
37 of this report. It would create a new state agency. I hesitated a long
38 time before I made that suggestion. I hate to see a multiplicity of state
39 agencies, and yet we have a situation here where there are now ten agencies
40 engaged in this field of activity with no one authority in the state govern-
41 ment concerned primarily with the building safety problem. It seems to me
42 that while we are talking about a new state agency, we are really talking
43 about consolidating the functions of ten state agencies into a single point
44 for more effective coordination.
45

46 I know that some people have reacted immediately, "Well, if we have
47 ten state agencies now, one more will make eleven". I would really hope
48 that out of this discussion would come the possibility of creating one
49 state agency that the industry would have to deal with in place of the
50 other ten. We are not talking about a total of eleven; we are talking
51 about a net of one.
52

53 Now, that agency might be a totally new agency or it might be one
54 made up by ex officio representation of the departments that now have
55 an interest in this field. The thought is that this state agency would
56 be the rule making power in this field. It would be the sole rule making
57 power in this field.
58
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I think that the problem of building safety involves far too much detail to have a building code adopted by the Legislature. I think you could set up some standards and you could authorize a board to make rules on this subject representing the state and local interest in a way that would finally arrive at a uniform code under which all state and local agencies would then operate.

The proposal is that this state agency be a rule making body only, and not be an enforcement body. Enforcement should be the function of local government. Instead of having both state and local bodies doing both rule making and enforcing, divide the job so that we get a uniform treatment of policy and regulation by a state board. You would then have local regulation through local enforcement and by reserving to the local jurisdictions a certain appeal authority, yet to be defined. I will confess I haven't defined all that point yet because I think we have to get the reaction of everybody concerned first; but it seems to me it would be possible to say that, within certain limits, local boards of appeal would have authority to approve variations and deviations from these regulations.

The suggestion is also made that the state board should be authorized to set up different classifications and zones in such a way that a given city, meeting certain conditions of density of population and general character of building, could adopt one of the several alternative sets of regulations. In effect, you would set up, for example, half a dozen uniform codes. Then a city or county having adopted one of the alternatives would have to stick with all the terms of that particular alternative. It couldn't pick out part of the regulations from one part of the book and another part from another part of the book. They would, in effect, pick certain parts of the book which would apply to all the cities of a certain population and general characteristics of building. We have to recognize that a small town with nothing but dwellings, with little public building, and with no industrial building needs a different kind of regulation and will want a different kind of regulation than the city of Los Angeles or San Francisco.

Our proposal would also leave to the local authorities the determination of what enforcement machinery they will set up. If they want to set up a single building department and put all the enforcement in it, fine. If they want to divide the job between the fire department and the health department and building safety department and six other departments, that is their choice.

The final decision to be left to local community is the authority to set their fee structure. The local authorities could decide entirely how costly or how cheaply they want to make this operation.

Those are the principal ingredients of this proposal. To summarize it again more briefly, the proposal is to vest the rule making authority in the state, with enforcement authority in local jurisdictions.

There is yet another problem inherent in all this. That is the question as to what extent the state will set standards for enforcement, and what it will do about a local authority that refuses to enforce the regulations.

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4 It seems to me -- I haven't discussed it in this report -- that it
5 might be necessary to vest in that state agency the authority to make
6 local investigations, not on individual buildings but on the manner in
7 which the regulations are being enforced. They should have some way of
8 requiring the local officials to enforce the regulations other than by
9 the state going in to do the job. It would be very bad solution for this
10 problem to set up a super state agency which would have the authority to
11 hire a lot of investigators and go in and master-mind local authority on
12 individual cases.
13

14 That is the thing that every local jurisdiction would fear, and rightly
15 so. We ought to find a formula that would avoid it.
16

17 I want to repeat what I said in opening, that this is an idea
18 offered for discussion. It seems to me the most feasible solution after
19 considering many other alternatives. I do not make it at this time as a
20 firm recommendation. I will say quite frankly that I like the idea pretty
21 much. I think it is a sensible solution, and in discussing it with a
22 number of people, there have been suggestions made on detail that have to
23 be worked out, and I can see that there is still a great problem ahead,
24 but basically it does seem sound.
25

26 There is one other point. We propose that if you accept this general
27 idea, the Legislature should at the next session set up the state agency
28 that is proposed here and set it up at that time solely for the purpose
29 of developing its code; that that agency should not be in a position to
30 adopt its code and put it into effect until at least two years later. In
31 other words, you would create an administrative body for the time being,
32 for the sole purpose of pulling all these regulations together and developing
33 that uniform code.
34

35 You would do that in the '51 session. Then in the '53 session let's
36 assume that the work would be done and at that time the new department,
37 whatever it is called, would be in a position to put its regulations into
38 effect. At that time they could report to the legislature what existing
39 legislation needed to be repealed in order to eliminate conflicts. So
40 we are not talking about a quick solution. We are talking about something
41 that doesn't offer its final solution until 1953. But, I think that that
42 hope of a solution in 1953 is so much superior to the prospect of added
43 confusion by 1953, that it is well worth serious consideration.
44

45 Our final proposal in the report was that certain questions be outlined -- which we did outline -- with the thought that all those interested,
46 local building officials, state officials, the architects, the engineers,
47 the contractors and all others, be invited to address the Committee,
48 addressing themselves particularly to these questions.
49

50 I will presume to say this for the Committee that I think it would
51 be fruitless to spend much time in taking testimony to the effect that
52 confusion now exists. I think that could be stipulated by everybody. The
53 question is what to do about it, and the questions we propose here are
54 addressed to that end.
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4 CHAIRMAN STEWART: Thank you. I see Mr. Carpenter, the counsel for
5 the League of California Cities in the room. They have been very much
6 interested in this resolution. Mr. Carpenter, have you any statement
7 you would like to make to this Committee?

8
9 MR. CARPENTER: Yes, Mr. Chairman and gentlemen. The importance of
10 this House Resolution 183 is apparent to us and we want to try and make
11 sure that it is apparent to everyone that is interested or concerned with
12 it.
13

14 In 1947 bills were introduced into the Legislature to provide for a
15 statewide code that would amount to a uniform building code, regulations
16 adopted by the State of California to cover every agency within the state.
17 The same thing happened again in 1949, although along with that was another
18 bill which would have provided that where local jurisdictions such as
19 counties or cities had a uniform building code comparable to the state law,
20 why the state would secede from that particular jurisdiction both as to
21 regulation, and as to enforcement. At both of these sessions of the
22 Legislature there was a very hotly contested and very different point of
23 view with respect to the proposals.
24

25 Among our own people, the fire chiefs, the health officers, the
26 building inspectors, did not have and did not present to the Committee the
27 same point of view. Now, you will recall last year for example, when the
28 last bill that I spoke of was presented to your Governmental Efficiency
29 Committee, that the chief of the building department of the City of Los
30 Angelos spoke on behalf of the bill. And the fire chief, John Alderson,
31 spoke against it.
32

33 The same thing was true throughout the state. We had also supporting
34 legislation from building inspectors, and we had opposition to it from the
35 fire chiefs and in some instances from the health officers.
36

37 So, as Mr. Kroeger has stated, the conflicts are not all between the
38 state and the lower levels of government, but there are many conflicts
39 right in a particular jurisdiction, and these are some of the things that
40 we had hoped could be solved by the creation of this committee. That is
41 why we asked Mr. Stanley to introduce the resolution urging your Committee
42 to undertake this study.
43

44 As you recall, this is something this Committee did not go out and
45 try to get. It was something that another group in the Assembly in
46 adopting the resolution asked that this Committee undertake. I am a little
47 bit surprised and maybe there are a number of representatives here from
48 some of the related interests to speak, but it seems to me that the most
49 important thing with respect to the work of this Committee is the amount
50 of money involved that can be saved to the people of California.
51

52 It can be saved not only to governmental jurisdictions, but I
53 imagine that the building industry in this state is one of the very largest.
54 There are hundreds of millions of dollars involved. If you saved only one
55 percent of the cost it would still more than justify the continued exist-
56 ence of this committee. You can save additional funds, of course, of
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4 taxpayers' funds if you can create economy in the enforcement of these
5 laws, both at the state level and at the local level.
6

7 Mr. Kroeger has stated that he has gone through forty-four hundred
8 pages of regulations which are state regulations by the Department of
9 Agriculture, the division of Architecture and the Department of Public
10 Works, the Fire Marshal, the Director of Public Health and his very
11 voluminous regulations just recently distributed for considerations
12 affecting the construction of hospitals. He has other affecting the
13 regulations of the restaurants and other food and eating establishments.
14 There are regulations that would fill nine volumes, although unfortunately
15 you don't find them in nine convenient volumes that you can just put your
16 hand on. They are widely scattered and I imagine that much of the time of
17 your staff was spent simply in trying to locate all those regulations.
18

19 Every time you have one of these conceded conflicts, every time a
20 builder is in the process of building and he is stopped in that process
21 by one agency, that second guess as another one that doesn't enforce the
22 law the way the other agency sees it, you have a building stoppage of
23 some kind. Every time that happens, a considerable amount of money is
24 involved — both taxpayers' funds and private funds. Those are the kind
25 of things that we feel need remedy.
26

27 The suggestion has been made here that a new state agency be created.
28 We feel that there should be no new state agency. State agencies have a
29 way of perpetuating themselves once created. The gentlemen of this
30 Committee know that perhaps better than other members of the Legislature
31 because you have bills before you all the time to create or abolish new
32 state agencies. We have the fear in this particular field, which
33 historically has been a matter of local regulation, that if a new state
34 agency is created, and if only to work out the details of a program, that
35 they will in working out those details find sufficient justification for
36 the continuance of that state agency and that ultimately it will become
37 one that has complete control over all local jurisdictions, all local laws.
38 And because this is a field in which cities have exercised home rule for
39 centuries, not just in the time during which California has been a state,
40 but for many many centuries, we are not anxious to lose this. The people,
41 for example, of San Francisco and the people of Oakland or the people of
42 Los Angeles have a vital interest in the safety of buildings and the
43 safety of the persons in that particular community. If state laws are
44 not such as to protect them, I think they have every right to make sure
45 that at least their regulations can be more stringent if they so desire.
46

47 Besides, I think you well know that if you concentrate all of this
48 rule making authority in one agency, you have made it much easier for all
49 types of interests to concentrate their pressure on that particular group.
50 That is not, in our opinion, a very desirable thing to do.
51

52 Now, as to the particular recommendations that have been made by Mr.
53 Kroeger, the city managers in California and the fire chiefs and all
54 others affected, are meeting in Los Angeles at our annual conference,
55 October 22 to 25. The managers and the fire chiefs have proposed to
56 consider the recommendations that have been made by the Committee as a
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4 possible program. We hope that as soon as our conference is over, which is
5 the day before your Committee meets in Los Angeles on the 26th, that they
6 will have come to some conclusion, that they will have some formal recom-
7 mmandation to make to the Committee. At that time a representative of the
8 League, perhaps John Alderson, the fire chief of Los Angeles, who is the
9 director on our board representing fire chiefs, or the manager representing
10 the managers, will be before your Committee to make some specific recomme-
11 dations.

12 We feel, however, that the only way at the present time that you can
13 arrive at some satisfactory program is to provide enough money for this
14 Interim Committee to continue this study with an expanded staff over a
15 period of two, three or even four years. It isn't the kind of subject that
16 can be solved over night. The forty-four hundred pages indicate that it is
17 something upon which someone has already spent a lot of time because it
18 takes a lot of time to write that many words, let alone write them so people
19 can understand them.

20 We feel that the time should be taken to see just exactly what all
21 these regulations are, the conditions under which there are conflicts,
22 the conditions under which there is an overlapping in jurisdiction both as
23 to the authority to make the regulations and the authority to enforce them,
24 because we are equally concerned about overlapping jurisdiction and enforce-
25 ment as we are in the actual regulation.

26 There has, of course, been in the past a considerable volume of work
27 done on this subject by private interests and by the federal government.
28 A lot of money has been spent. There have been committees working on this,
29 I think, for over a century and they haven't come to any successful
30 conclusion yet.

31 Unfortunately all of these regulations sort of grow as a result of a
32 particular catastrophe that occurs in a community. You will have the
33 catastrophe that occurred, for example, in Boston and immediately you have
34 regulations all over the country to cure that particular kind of building
35 deficiency.

36 You will have another one such as the circus catastrophe that occurred
37 in Connecticut and again you have regulations, so no matter what you have,
38 whether it be earthquake, fire, or flood, as soon as one occurs, the
39 regulations begin to pour out and they have grown without any reference
40 to what has gone before. We feel that it is essential that some
41 competent engineers and perhaps efficient counsel sit down and look at
42 all of them to see whether they actually are essential and also that your
43 Committee appoint an advisory committee to consult with your staff when
44 this Committee is continued, which we hope it will be.

45 We feel that if this is done something can be done. We do not feel
46 at this time that anyone is going to be able to make a satisfactory
47 recommendation, because unless you make your study you will still find
48 the opposing interests that want to retain the status quo and others that
49 want to go to the other extreme and simply permit the state to have one
50 state law to cover the whole state of California .

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3
4 I hope, Mr. Chairman and gentlemen, I have pointed out the importance
5 of the study. We certainly appreciate the work that has been done so far.
6 It cannot be done by any other type of agency, we feel, than this Committee,
7 because if you have a state agency, they will not be objective. They will
8 think of it purely from the standpoint of the state regulating in this field.
9 They won't think of it, for example, as a possibility of eliminating several
10 of the state agencies from this field.

11
12 A proper objective study might indicate that many of the state agencies
13 could relinquish their enforcement duties in a particular field and it could
14 be as easily handled locally or by other state agencies.

15
16 If you create a state agency to do that job, that will never be the
17 case because they will have purely a state attitude and they will not be
18 interested in the elimination of existing agencies or their functions.

19
20 CHAIRMAN STEWART: Thank you, Mr. Carpenter. Gentlemen of the
21 Committee, you see that probably we have found out today that we have a
22 real problem. Now, then, I would like anyone that wants to address the
23 committee to come forward, give your name and give us the benefit of your
24 advice on this subject.

25
26 MR. BROWN: I would like to ask Mr. Carpenter a few questions. You
27 mentioned local control. How do you reconcile local control with the
28 elevator situation, where the state goes in and tells you exactly how
29 your elevator is going to be operated, and makes changes without regard
30 to local control.

31
32 MR. CARPENTER: Well, as I understand, that is handled by the
33 Department of Industrial Relations. But even though the Department of
34 Industrial Relations handles it directly in many jurisdictions, I believe
35 in places like San Francisco and Los Angeles they have their own enforce-
36 ment agencies that handle such matters.

37
38 MR. BROWN: You said in Los Angeles and San Francisco -- who does it?

39
40 MR. CARPENTER: In some places, Mr. Brown, where they have competent
41 inspection personnel and a very ably staffed building safety department,
42 those men will make inspections with respect to many things where the
43 state doesn't have that personnel.

44
45 MR. BROWN: They also let insurance agents do the same thing in
46 certain parts of the state, too. I wasn't referring exactly to inspection
47 of current operation so much as I was to the regulations which the depart-
48 ment just made last year and in which they renovated the entire regulations
49 for the past twenty years upon which there had never been a change and made
50 everybody in California re-do their elevators, which cost them millions
51 and millions of dollars. They had to strike out walls of buildings. They
52 had to make it so an elevator door couldn't close unless it left six
53 inches of space -- all of those without regard to local control whatsoever.
54 The local people weren't asked at all their opinion.

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4 I mean this, you are going to build a building. You want local
5 control by the city. You are going to build an elevator in it and you
6 can't build it according to local specifications. You have got to build
7 it according to the state, so therefore we do have some state control right
8 now that is ahead and superior to the local control.
9

10 MR. CARPENTER: That is correct. The state has occupied the field in
11 several respects where they have replaced local jurisdictions.
12

13 Now that is particularly true in some of the health regulations, and
14 there are others, I believe, that are referred to here in the report.
15

16 MR. BROWN: Agricultural, and some of those.
17

18 MR. CARPENTER: Agricultural as to dairy buildings. You don't find
19 dairy buildings just on farms. You find the manufacturing plants generally
20 plants generally located in cities and there you have a duplication.
21

22 MR. BORWN: To show your problems can't all remain local as long as we
23 have the state already assuming superior jurisdiction on that particular
24 phase, and they can make the laws ex post facto. You can build the
25 elevator fifty years ago, and they can make you tear it down tomorrow.
26

27 MR. CARPENTER: That is right. There have been reasons in the past
28 for the state occupying certain fields. Most of the large cities and even
29 the small ones in the metropolitan areas have some kind of building
30 regulations and a good building department. Very few counties, other
31 than the metropolitan counties have any kind of building regulations.
32 There is a serious problem pointed up in this report of the lack of
33 building regulations in some of the areas outside of incorporated cities.
34 One of the main fringe area problems of cities is the shack towns that
35 grow up and then become the obligation of the city at the time that
36 annexation is requested. Those are things that could also be considered
37 by this committee, because there isn't any reason why you couldn't have
38 the minimum state wide building regulations with respect to some matters
39 excluding only farm structures. They are the only ones that have caused
40 the problem, but the farm opposition to minimum uniform building standards
41 shouldn't stand in the way of these highly congested areas that are
42 unincorporated. For example, some of them have as many as two hundred
43 thousand population in this state. That particular one happens to be
44 covered by the county of Los Angeles building regulations, but in some
45 counties where they have no county regulations, you have as many as
46 twenty thousand people living in congested areas and there isn't any
47 regulation as to the dwellings at all, only as to apartment houses covered
48 by the state housing act.
49

50 MR. BROWN: How can you resolve some of those differences between
51 the cities and the state when they have conflicting requirements?
52

53 MR. CARPENTER: I think that is one of the prime objectives of a
54 committee that would analyze the matter from the standpoint of regulation,
55 whereas the state would have a primary interest in many matters, localities
56 would on others.
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4 If you had an opportunity to analyze that from a technical standpoint
5 with advisory committees, you would come to some kind of agreement. I think
6 we could collect in one place all of the laws and get some kind of general
7 agreement as to who should make certain laws and who should enforce them
8 so they would get out of conflicts and overlaps that exist today.
9

10 MR. BROWN: Would you see an objection to what Mr. Kroeger stated, if
11 you can abolish ten agencies that are doing it now and have one?
12

13 MR. CARPENTER: I think that is a coordination job. In the City of
14 Salinas, for example, because they have a good city manager, they don't
15 have that same problem of the private builder trying to coordinate all of
16 the different public agencies within the city. They are interested in
17 that community in having any kind of industry locate there, and so when
18 one of them indicates an interest to be located, they take them by the hand
19 and take them all through the different agencies and see that he is taken
20 care of quickly and promptly. That is a job that should be done by public
21 agencies. It isn't a job that should be done by the private builder.
22

23 MR. KROEGER: Part of the question, following up on that, is how to
24 get a comparable situation in the state so that ten state agencies could
25 be coordinated like a good city manager can coordinate his departments.
26

27 MR. GRANT: It seems to me that Mr. Kroeger has suggested a
28 coordinating agency which could answer a great many of those problems
29 in an ex officio manner and not--
30

31 MR. CARPENTER: I don't think in many instances you would abolish
32 the function performed by the state agency but you would provide for
33 coordination of that work.
34

35 CHAIRMAN STEWART: Mr. Lincoln has a question.
36

37 MR. LINCOLN: To begin with, I would like to observe I had an oppor-
38 tunity to study this report earlier in the week. Mr. Kroeger has apparently
39 done a good job of getting into a complex problem and coming up with a
40 report simple enough to get our teeth into. I want to go further along one
41 of his suggestions. He points out ten or eleven department managers could
42 be instructed that during the coming two years they were to correlate their
43 restrictions and their rulings and get them all into a uniform package that
44 anyone could understand. Do you see any reason why they couldn't do that?
45 It seems to me that when you bring up the issue whether they would
46 eliminate themselves -- obviously we are injecting a second problem into
47 a first one which in itself is very important. If we can get a coordinated
48 and running plan then it may be the job of this committee or some other
49 committee to later figure out where there are extra people and if there are
50 fifth wheels on the machine, we could cut them off later. I would like to
51 see progress a little faster than would be apparent under the program you
52 have outlined.
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54 Don't you think those ten or eleven people, if they were instructed to
55 get their heads together by the Legislature would in two years come up
56 with a solution?
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4 MR. CARPENTER: Some of them in the mere matter of rewriting their
5 regulations or in writing new ones have done just that. The Department
6 of Public Health under Dr. Halverson is now distributing their hospital
7 construction regulations.
8

9 MR. LINCOLN: Yes, but you got eleven sets of regulations. In the
10 eleven books you will find conflict. Couldn't it be their duty, not only
11 to have their regulations up to date and properly printed, but also that
12 they must not conflict with each other. Can't we make it their assignment
13 that where they conflict they have got to sit down in a room and take that
14 conflict out before it becomes inflicted on the general public?
15

16 MR. CARPENTER: That would be a possibility, Mr. Lincoln, but I don't
17 think it would work out that way. I just don't think that you could get
18 them to do it. I think you need a continuing staff of technicians. This
19 work is extremely complicated. Some people know it thoroughly, and to the
20 layman and to most lawyers and even most engineers there are a lot of very
21 mysterious passages, and you don't come up with the answer very easily. I
22 think it is encumbent, and I'm pretty sure Mr. Kroeger would substantiate
23 this, to employ technically qualified personnel to determine whether certain
24 certain regulations that are in conflict are essential, whether they are
25 needed at all and where the conflicts can be avoided. With advisory
26 committees sitting with these technicians, I think you could come up with
27 the right answers.
28

29 MR. LINCOLN: Aren't you saying when you suggest we have this staff
30 and advisory committee the problem is so large there would be a lot of
31 money involved, and aren't you then establishing the same eleven state
32 agencies through this committee as Mr. Kroeger is advocating?
33

34 MR. CARPENTER: I don't think money is involved as far as the
35 advisory committee is concerned. They represent interests that would pay
36 their own expenses. You would have a real expense. I think it would take
37 two or three hundred thousand dollars to employ the staff and take the time
38 to do this job. But they have spent a lot more than that in the federal
39 government and other private agencies all striving toward the same thing,
40 towards simplification and uniformity of standards.
41

42 MR. LINCOLN: Do you think it would be possible or practical for the
43 California Legislature to go into such a comprehensive program? Wouldn't
44 it just be doing what we have been doing for a hundred years, just
45 continuing to study the program?
46

47 MR. CARPENTER: Not if you will employ the staff that will actually
48 do the work and bring it to your attention for your screening.
49

50 MR. LINCOLN: Do you think Mr. Stewart's name on a bill would get him
51 three hundred thousand dollars to carry out your ideas?
52

53 MR. CARPENTER: I don't know. Of all the members of the Committee,
54 you know best the cost involved in delays in building, and you know if they
55 could save any part of the total that would more than justify the amount we
56 are talking about.
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4 MR. LINCOLN: I agree with you on that. From a practical point of
5 view I don't think you could do it.
6

7 CHAIRMAN STEWART: Any other members of the Committee want to ask
8 Mr. Carpenter a question? (No response) Mr. Carpenter, I've got to take
9 issue with you a little bit. We didn't seek this job. Do you mean to say
10 this Committee has got, in making this study, to go back to the Legislature
11 and ask for probably fifty thousand dollars to employ technicians to work
12 out this problem, when you know it is a fact that we have got opposition with
13 governmental agencies, the most strenuous oppositions are going to come from
14 some of your group, the fire chiefs of this state.
15

16 Now, I have talked to members of the Committee. I have had a number
17 of meetings with architects and structural engineers on this subject and I
18 find that it is difficult to get those people to agree as to what we will do.
19 We are not trying for the benefit of those in the audience to determine today
20 a type of bill that we would introduce. We have worked on this proposition
21 just as an investigation up to now. But, I don't look at it very optimist-
22 ically, Mr. Carpenter, if you think we have got to spend one hundred thousand
23 dollars more on this proposition.
24

25 MR. CARPENTER: I think your figure is just a little bit low, Mr.
26 Chairman. I would ask Mr. Kroeger how much he feels would be necessary for
27 the state agency that you have recommended here to continue the work to write
28 out the detail of the program that would be presented at subsequent sessions
29 of the Legislature. Have you any approximate figures?
30

31 MR. KROEGER: I haven't worked out a budget for it, but I am sure
32 somewhere between the figures discussed of one hundred to three hundred
33 thousand dollars.
34

35 I think that Mr. Carpenter and I are not far apart on this thing,
36 except on the one detail of whether the job should be done by an
37 administrative agency set up by the Legislature or whether it should be
38 done by a legislative interim committee. I think I should clarify my
39 suggestion about a state agency, for Mr. Carpenter's benefit. Any such
40 state agency, I think, must necessarily include local representation.
41 I'm not thinking of just a bunch of state department heads getting
42 together. I think there must be equal representation of state agencies,
43 local officials and industry to do the job.
44

45 It is called a state agency only in the sense that state money would
46 be spent. The board to be created must have all those representations,
47 whether it is an advisory committee to the Legislature or an administra-
48 tive body.
49

50 MR. CARPENTER: Our thought is that a state agency cannot really be
51 as objective as a committee of the Legislature, because if you create a
52 new administrative agency of the state government, it will in the first
53 place try to justify itself or its existence and try to continue itself;
54 and it will tend to treat everything as a state problem and something that
55 must be handled by the state of California, something that must expand even
56 other state agencies, whereas if you have an interim committee or sub-

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4 committee, they are thinking of the matter from the standpoint of how can
5 we reduce the expenditures of the state government and at the same time
6 do the job. You will not bring to the work the same attitude that this other
7 state agency would. That is why we would suggest the continuation of this
8 committee, plus the advisory committee and expanded staff. Your advisory
9 committees would not cost the state a nickel, because those people, of
10 course, would pay their own expenses.

11
12 CHAIRMAN STEWART: Thank you very much, Mr. Carpenter, for appearing.
13 That is very illuminating. There are other members of the Committee who
14 have just come in -- Augustus Hawkins, Lester McMillan and Charles Conrad,
15 all of Los Angeles County.

16
17 I want to say that the Committee is relying on their staff a great deal
18 on this proposition. You have heard it state there are forty-four hundred
19 pages of regulations that the staff has been trying to digest in behalf of
20 the Committee. Now, I do hope some of you gentlemen have come to give us
21 the benefit of your advice or counsel or any comments that you have to make.
22 We would like to have them. Come right up and address yourselves to the
23 Committee.

24
25 MR. CAPLES: Mr. Chairman, my name is Caples. I represent the building
26 construction trades council in Sacramento-Yolo counties. Frankly I came
27 down here to listen and to learn. I didn't come down here to try to give
28 any advice at all, but our feelings in the matter are very similar to what
29 Mr. Kroeger has submitted here. We are pretty much in accord with what the
30 report states. On page ten, paragraph nine, it says "Authorize the state
31 agency to set standards for enforcement and to oversee local enforcement,
32 but not to substitute for local enforcement." We feel that that is a step
33 in the right direction, though not the absolute solution to the problem. I
34 might point out that if the state expanded such an agency as it now has for
35 public buildings to regulate shack houses or community homes that are built
36 outside of city regulations, it would certainly be a big help to the building
37 industry and to the health and safety of our people.

38
39 Of course, the costs, I imagine would go up on building in that parti-
40 cular regulation, but overlooking the costs, I think that the cost would be
41 well paid for so it is about even, and that is about all that we have to
42 submit.

43
44 CHAIRMAN STEWART: Thank you very much.

45
46 MR. CAPLES: We hope that this thing becomes a reality. We are
47 certainly looking forward to it.

48
49 CHAIRMAN STEWART: Mr. Marcus Carlson, do you want to make any
50 statement to the committee?

51
52 MR. CARLSON: I am the building official of Alameda County. I am one
53 of a committee of five that was appointed by the executive board of the
54 Pacific Coast Building Officials Conference who prepared a statement on this
55 second progress report and presented it to the annual meeting at San Diego
56 last week, which was formally adopted. Now, in view of the fact that our

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4 chairman is Mr. Gilbert Morris of the City of Los Angeles, I would prefer to
5 have him make the complete statement. But, at this time I say that we have
6 made a statement which evolves a plan which we believe answers what the
7 report terms the real problem, by restoring the authority to make laws to
8 the Legislature where it rightfully belongs. It eliminates conflicts in
9 state building regulations. It divorces the home rule making authority
10 from enforcement authority. It makes building regulations available in a
11 single code duly enacted by the Legislature and not subject to arbitrary
12 rules of bureau officers. It allows home rule in charter cities which are
13 entitle to home rule by their charters from the state, and finally no new
14 state agency is required. And in answering the question that was proposed
15 here this morning on this correlation of existing building codes, I don't
16 see any particular problem on that.
17

18 Now, whether you like the uniform code or not, there is a model setup
19 to follow and if all these state agencies would get together by directive
20 of the State Legislature and work that over, see what applies and what
21 doesn't apply, and what should apply in it, I don't believe you will have
22 a very serious problem in correlating all these various agencies on the
23 matter of building codes.
24

25 CHAIRMAN STEWART: May I ask you, you do recognize now there is a great
26 deal of difficulty in overlapping jurisdictions, don't you?
27

28 MR. CARLSON: I do.
29

30 CHAIRMAN STEWART: And your report undertakes to correct that?
31

32 MR. CARLSON: That is right.
33

34 CHAIRMAN STEWART: Thank you very much for appearing. Any question
35 by any member of the committee?(No response) Who else would like to address
36 the committee now? We thank all of you people for coming and we hope you
37 will give us the benefit of your advice.
38

39 MR. WHITTON: My name is Charles Whitton. I am director of architecture
40 and engineers for Oakland public schools. I think this is a very fine
41 report on a very complex subject. I don't think it is a matter that can
42 be settled in a matter of weeks or months. If we could have one uniform
43 code that covers all phases of building construction applying throughout
44 the whole state it would be so much easier and there would be so much less
45 confusion that the present situation that we could almost call it simple.
46

47 For the last seventeen years I have building schools in Oakland under
48 Appendix A, which as you all know, is uniform throught the state. It caused
49 us quite a bit of excitement when it was first put out, but it worked
50 extremely well. We don't have any real trouble in conforming to it, knowing
51 that other people throughout the state are also conforming to it. If all
52 these various regulations that puzzle us and that we don't know where to
53 find could somehow or other be brought together so we could be intelligently
54 guided, life would be a lot more simple for us. A long time ago it used to
55 be rather a pleasure to build a building, but lately it has got so confusing
56 I am wondering whether it is fun or not.
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4 While I don't wish to be understood as meaning that the development
5 of this code is simple or easy, or can be done in a few weeks, I honestly
6 think that when it is eventually accomplished, that in comparison to the
7 confusion we are now in, the resulting regulations would almost be simple.
8 Now it is maddening to try and find all the regulations and intelligently
9 and honestly conform to them.

10 The Building Officials' uniform code has gone a long way towards
11 straightening things out throughout the state in that it is adopted year
12 by year, but it isn't sufficient.

13
14 I can give you just one illustration of trying to straighten things
15 out. One time some school officials and law enforcement people from the
16 city of Piedmont came in about a building code enforcement, and I couldn't
17 see why they were in all this confusion because I thought they had a code.
18 They said they had the Uniform Code, and I said, "Well, the code says
19 so and so." "Oh, well, we have got the edition of 1921. That is our
20 legal code. The city doesn't step it along and keep it up to date."

21
22 But, if the state code were properly written by a small competent
23 authority it could step along and be kept up to date. Appendix A is
24 changed from time to time. The uniform code changes definitely every three
25 years, and in certain aspects it changes year by year after their annual
26 meeting. And the state code could be handled in the same way.

27
28 Other states have a state code. Canada has a uniform code, and I
29 think it is a modern trend that ought to be followed and certainly would
30 be of money advantage and certainly an advantage to our peace of mind
31 if we could have a good uniform state code.

32
33 CHAIRMAN STEWART: Any questions by any members of the committee?
34 (No response) Who else now wants to talk to us? We need your assistance.
35 You people that are interested in building -- architects, engineers and
36 so on -- this meeting is your meeting.

37
38 Mr. Carpenter left, didn't he? (Someone answered that he had left).
39 We are very grateful that he was able to come over today.

40
41 MR. CARLSON: Mr. Chariman, I would like to make a remark on Mr.
42 Whitton's statement, that some cities have a 1921 edition and others have
43 the '36 and '40. At the meeting in San Diego of the Pacific Building
44 Officials Conference, a resolution was introduced and adopted whereby
45 the cities and counties that are now using the uniform code pledge them-
46 selves to the adoption of the latest edition of the uniform building code
47 with a minimum of amendments necessary for local enforcement.

48
49 CHAIRMAN STEWART: Let me ask you a question. Isn't it a fact that
50 cities do at their own pleasure for their own use within their own cities
51 amend the uniform code?

52
53 MR. CARLSON: Yes, they do, sir. I am happy to say, though, that
54 Alameda County has not.

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4 CHAIRMAN STEWART: We are very glad to have that report. That is one
5 of the questions. As I stated before, I have had numerous meetings with
6 structural engineers and contractors and architects discussing this
7 Resolution 183, and the building superintendents, especially my own in
8 Pasadena. They just think this uniform building code that we now use --
9 and I'm going to use the word "so-called" -- should be amended whenever our
10 building superintendent thinks we need to amend it. Is there, in your
11 opinion, any possibility for this committee to justify the expenditure that
12 we are making of state funds in this study, that we could more expeditiously
13 get to a solution of this problem -- do you think so?

14

15 MR. CARLSON: I am firmly convinced there is, Mr. Chairman, because
16 if the state sets up a minimum standard code, then no local jurisdiction can
17 set standards which are below that code. I believe as time goes on the
18 uniformity will exist just through the basic code set up by the state.

19

20 CHAIRMAN STEWART: Do you recognize now that there is much over-
21 lapping and much confusion for the architects and structural engineers and
22 builders? Do you recognize that situation existing today?

23

24 MR. CARLSON: Indeed I do, yes.

25

26 CHAIRMAN STEWART: And you believe something should be done to
27 correct it?

28

29 MR. CARLSON: Yes, I do.

30

31 CHAIRMAN STEWART: I thank you very much. Now, who else would
32 like to address us? Mr. Yockers, do you have any comment you want to make?
33 I had a letter from you. Mr. Yockers, State Fire Marshal.

34

35 MR. YOCKERS: Mr. Chairman, I came here this morning to listen and
36 learn and try to find the solution to this perplexing problem myself. I have
37 carefully read and studied Mr. Kroeger's report. I think he has done a
38 splendid job and he has brought out the problems that we are faced with.
39 We have over the past year studied this problem from the standpoint of our
40 work with the local fire departments. As you know, back in 1945, our laws
41 were amended to take away from the state fire marshal the authority to enforce
42 our regulations in corporate cities, and the authority was vested in the
43 local fire official.

44

45 Again in '47 the scope of our rule making authority was materially
46 reduced at our recommendation in the matter of fire service. We appreciate
47 the difficulties experienced with engineers, building officials and all
48 concerned. We are anxious to see a solution to this problem and I am one
49 state department head that would not object to losing this rule making
50 authority that is placed in my hands.

51

52 CHAIRMAN STEWART: That sounds good. Any members of the committee
53 want to ask questions of Mr. Yockers?

54

55 Anyone else want to address the committee?

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4 MR. CHAMBERLIN: I am Lloyd Chamberlin, architect East Bay Chapter AIA.
5 I would like to lend a note of optimism to the work of the committee in that
6 I think it is entirely feasible that the committee carry on their operations
7 as they have outlined them in general form. If the committee only establishes
8 a uniform set of regulations at the state level it would be of tremendous
9 assistance to all of the industry and I say that in spite of the fact that I
10 believe there would be conflicts for some time to come between the state
11 uniform regulations and local regulations. I think that the Pacific Coast
12 Building officials accept with reluctance the deviations from their uniform
13 code by local authorities and I think on the other hand from year to year
14 you will find less deviations from that code as the code is made operable
15 and brought up to date.

16 I think you would find in establishing a uniform set of regulations
17 at the state level that from year to year the local regulations would conform
18 constantly more closely to the established state regulations. I think it would
19 be highly encouraging to all local code writers if they had something on the
20 state level as an all-over guide and in due time I think that there would be
21 sufficient consistency that it would make the work of the industry much more
22 simple.

23

24 CHAIRMAN STEWART: Thank you very much. I see a representative of the
25 state architect here. Have you any comments to make?

26

27 MR. LORD: No, Mr. Chairman, I am here as an observer.

28

29 CHAIRMAN STEWART: Any other comments by anyone in the audience? We
30 would like you to recognize that this committee is not in the habit of
31 spending money unless we get some return in the matter of legislation.
32 It costs money to bring this committee up here from southern California
33 and this hearing is costly. This afternoon we have a number of people who
34 have stated they would like to be heard. We are really trying to do some-
35 thing. We spent quite a little time and are spending quite a little money
36 on the job.

37

38 MR. COLLIER: I would like to ask a couple of questions and one question
39 is to the Department of Architecture here. Do you subscribe to the suggestion
40 that was made by Assemblyman Lincoln previously that the departments that
41 have anything to do with the code get together and iron out the difficulties
42 or the conflicts, overlapping conflicts so far as the regulations are
43 concerned?

44

45 MR. LORD: Yes, I do, most precisely.

46

47 MR. COLLIER: Another question, what type of buildings, dwellings,
48 public, industrial buildings, what type of buildings are there more
49 conflicts in so far as your various departments are concerned?

50

51 MR. LORD: Insofar as the Division of Architecture is concerned, our
52 main job is in designing and building state buildings, institutions. We also
53 have another job which is to review and inspect school houses for the
54 county school boards. Now, our job in that respect is one established by law
55 as a result of the Long Beach earthquake, I believe, and we primarily
56 interested there in determining that the buildings are safe structures.

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4 MR. COLLIER: In your opinion, then are there any conflicts that cannot
5 be amicably ironed out between the various other departments so we will have
6 a uniform code?

7
8 MR. LORD: No, I don't think so, and I certainly think that should be
9 done as soon as it possibly can be done.

10
11 MR. COLLIER: In other words, you are in agreement that in all these
12 department heads, if they were all brought together and sat down, they could
13 come out with a reasonable uniform code here that would be the minimum
14 regulations and would have the minimum of conflicts so far as the state
15 government is concerned?

16
17 MR. LORD: I believe it would take time, but I believe it can be done.

18
19 CHAIRMAN STEWART: Anybody here from the Department of Industrial
20 Relations?

21
22 MR. THOMAS: Mr. Chairman, Mr. Paul Scharrenberg, the director, wanted
23 to attend the meeting, but he is unfortunately out of town and he has
24 asked me to be here to listen in for him.

25
26 CHAIRMAN STEWART: Do you have any comment or advice you would like
27 to give our committee?

28
29 MR. THOMAS: Speaking personally, not obligating Mr. Scharrenberg, I
30 the suggestion made by Mr. Collier is one that our department could fully
31 cooperate with.

32
33 CHAIRMAN STEWART: You are an employee of the department?

34
35 MR. THOMAS: Chief counsel, yes.

36
37 CHAIRMAN STEWART: We would like to have any advice you may give us.

38
39 MR. THOMAS: As a matter of fact, within our own department we
40 recognize there are conflicts and overlapping. We know that our Division
41 of Industrial Safety, our Division of Labor Law enforcement, Division of
42 Industrial Welfare, Division of Housing have all conflicting laws on the
43 one subject of ventilation. And we are working at this time on proposed
44 legislation which will permit the department itself to set up a governing
45 group to iron out all those conflicts. That, I believe is directly in
46 line with your suggestion, Mr. Collier.

47
48 CHAIRMAN STEWART: Thank you very much. Is Mr. Morrissey of the
49 Contractors License Board present?

50
51 MR. FORD: My name is Ford. Mr. Morrissey is in Los Angeles. He
52 requested me to sit in merely as an observer and listen to the discussion
53 that took place here today. The Contractors License Board, of course,
54 disciplines licensed contractors who violate any city or county gilding
55 ordinances, and that would be the extent of their work in connection with
56 any codes.

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4 CHAIRMAN STEWART: Does the Contractors License Board rely on the local
5 building superintendents to enforce their rules and regulations?
6

7 MR. FORD: To enforce their own code, yes.
8

9 CHAIRMAN STEWART: Thank you very much. Anyone else?
10

11 MR. COLLIER: I would like to ask one question of the fire marshal.
12 I believe in the past there have been conflicts with local authorities in
13 the state fire department relative to rules on fire regulations.
14

15 MR. YOCKERS: That is right, sir.
16

17 MR. COLLIER: Have those been mostly in dwellings or public buildings
18 or industrial and commercial buildings?
19

20 MR. YOCKERS: They have not been in dwellings. Our regulations do not
21 apply to any type of dwelling building, either hotels or private dwellings or
22 apartments. Our regulations apply to buildings used for places of a public
23 assemblage. They apply to schools. They apply to institutional occupancies
24 such as hospitals, mental hospitals, homes for aged, homes for children.
25 That is in accordance with the last amended law of 1947, amendment to the
26 fire marshal's act and our regulations have now been amended striking out
27 all other occupancies from our regulations.
28

29 MR. COLLIER: Thank you.
30

31 MR. HAWKINS: May I ask a question? You indicated a few minutes ago,
32 Mr. Yockers, you would be willing to give up some rule making authority. I
33 wondered just why you are so anxious to do so? What difficulties have you
34 experienced which would make you so anxious to give up that authority?
35

36 MR. YOCKERS: Sitting in my position as fire marshal under the laws of
37 the State of California, I must be the policeman, the judge, and also the
38 Legislature in writing the standard. We are required to write the standards,
39 to enforce them, and to conduct the hearings when violations are found, and
40 so it places a three fold responsibility on the fire marshal to administer
41 those laws. If a state agency were created or a procedure was adopted whereby
42 I might go before that agency and argue for the type of fire regulations in the
43 building code that I felt should be there, I believe it would be much simpler
44 for me. I believe it would be more acceptable to the public. I have just
45 completed a three day session with the building officials in San Diego and
46 we had a number of amendments that we suggested to the uniform code, all of
47 which received very careful consideration and most of them were adopted or
48 carried on for further study.
49

50 One of them was an entirely new chapter in the uniform code. We feel
51 very strongly in favor of the uniform code. We feel it is doing a lot to
52 bring about uniformity. Perhaps as a basis for establishing a code in the
53 State of California - the Pacific Coast Building Officials uniform code might
54 be used as a very good basis to begin from. There is a lot of fine study and
55 work that is going into that, not only by building officials, fire officials,
56 but also by material people, cement, lumber, wall board, all of them are
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4 represented on those committees, and they really thresh out those problems.
5 I think it would serve as a good basis. It is difficult to answer all the
6 questions, but I think that would be a good start.

7
8 MR. LINCOLN: I wish Mr. Carpenter could have stayed a few hours longer
9 to hear these men state that they would like us to make it possible for them
10 to get together. I think the Legislature is more at fault than the eleven
11 agencies. We have never given them the authority or the wherewithal to
12 accomplish this fact. I think we would get a lot of cooperation.

13
14 MR. GRANT: Referring to page two of the second report, No. 9 —
15 "Many of the regulations are not readily available in understandable form to
16 those who must be governed by them." Is that because of details or does it
17 mean that the information isn't gotten out to the people who must be governed
18 by the regulations or what is the cause?

19
20 MR. KROEGER: There seems to be a variety of causes. There is no one
21 systematic way the individual can get them. He has to realize first that there
22 is a body of state regulations in a particular department on a particular
23 subject, then go after it, rather than having some one place to which he can
24 go and find out.

25
26 MR. GRANT: In other words, these may come from any one of these ten
27 different agencies and he doesn't know which agency might govern his particular
28 problem?

29
30 MR. KROEGER: That is right. In other cases the regulations get out of
31 print. When we started this inquiry, I wrote to each state department asking
32 for regulations. In a couple of instances we received a letter back which
33 sent some of the regulations and said, "We have certain other regulations on
34 this subject matter, but they are currently out of print. We will send them
35 later." I don't remember what these were, and for my purpose I could wait;
36 but a man who wanted to build a building that involved the kind of safety
37 those regulations covered would be stopped right there.

38
39 MR. GRANT: There is no centralized point where he may get the entire
40 coverage?

41
42 MR. KROEGER: That is right. It seemed to me that one sort of coordination
43 that might be accomplished would be to get a way of feeding these regulations
44 out through the licensing bodies. I think that is one place where the other
45 regulatory agencies, the licensing bodies of the state, might do some coordin-
46 ating because the licensing bodies do know who is in the business and they
47 would have the mailing list to supply these regulations to everybody concerned.

48
49 MR. GRANT: I noticed here some of the gentlemen reported they are using
50 codes of '21 and '36 and so forth. Now, that isn't desirable, is it?

51
52 MR. KROEGER: No, that is referring to the cities. That is the fault of
53 the city which adopts the uniform building code. They adopt say the 1921
54 edition. Then the Pacific Coast Conference Building Officials will revise the
55 code from time to time, but the city does not in every instance follow up and
56 adopt that revision. It is possible that in Los Angeles County, with about

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4 forty-five incorporated cities side by side, that half a dozen editions of the
5 code are in effect, each of which is also amended by the city adopting it.
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7 MR. GRANT: In your investigation you have traveled pretty much around
8 the state. Do you find nearly everyone is in accord with your viewpoint of
9 there must be coordination of thinking in these?
10

11 MR. KROEGER: I find general agreement that there should be a better
12 coordination of thinking. The disagreement is on who shall do the coordinating.
13

14 MR. GRANT: There is no denial that we do have confusion?
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16 MR. KROEGER: There is no disagreement that we have confusion.
17

18 MR. GRANT: It is merely on the point of who shall do the coordinating?
19

20 MR. KROEGER: That is right. There is, I think a decided and a very
21 proper difference of viewpoint between cities and state as to whether the
22 coordination that is accomplished shall be national, city or at the state
23 level.
24

25 MR. GRANT: Do you feel that there could be a great saving, or is it
26 the general opinion throughout the state there would be a great saving to
27 the people, especially those building, if a coordination was brought about?
28

29 MR. KROEGER: Tremendous saving. I don't know how to calculate it. I
30 think the savings made directly by eliminating overlapping of vureaucracies
31 would be only a very very small percentage of the real saving. The real
32 saving is in time saved and expense saved in building.
33

34 MR. GRANT: There have been several amounts mentioned in connection with
35 the possible expense in connection with accumulating these facts. Do you
36 think the expense then would be worthy or that it would allow the savings to
37 the people beyond that expense?
38

39 MR. KROEGER: I think if you spent one hundred thousand dollars in
40 bringing about a really uniform set of regulations, you would save that amount
41 of money thousands of times over. You are talking about a hundred thousand
42 dollars as against millions of dollars in costs in building.
43

44 MR. GRANT: I know that this is a big problem. We all realize that. Of
45 course, I assume that you didn't investigate this alone. You have a staff
46 under you of competent men that assisted you throughout the state in making
47 this survey?
48

49 MR. KROEGER: That is right. But we have not attempted to do the job
50 now being discussed -- that is actually taking a set of regulations which
51 are in conflict on some one subject and trying to arrive at the proper
52 solution. We have been concerned first with making sure that confusion exists
53 and that was not difficult to discover. Then we sought the kind of machinery
54 that could best be brought into play to solve the difficulty. When you get
55 to the place where fifty cities may have amended the uniform building code in
56 some particular aspect of a very detailed phase of building construction, we
57 haven't been equipped or financed to resolve the differences.
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4 MR. HAWKINS: Are you familiar with what the situation may be in any
5 of the other states, say the State of New York?
6

7 MR. KROEGER: No, I haven't extended the inquiry to find out how they
8 handled it. I did make one inquiry to a national organization that is
9 interested in uniform building codes, asking them what they could suggest
10 by way of assistance to me on that subject. They replied that the best
11 work they knew of had been done by the Pacific Coast Conference Building
12 Officials. I think a splendid job has been done here in the development of
13 uniform code. The fault has been that the uniform code is not uniformly
14 adopted and uniformly applied. The book that bears the title "Uniform Code"
15 is a fine piece of work.
16

17 MR. HAWKINS: Then, you don't know whether other states have one state
18 agency handle it pretty much as we do?
19

20 MR. KROEGER: No.
21

22 MR. HAWKINS: Do you intend to include that in a later report?
23

24 MR. KROEGER: I could do that.
25

26 MR. HAWKINS: I think it would be helpful to us in drafting any
27 legislation, if we do intend to propose any, to have a guide to go by as
28 to what might be the experience in some of the other states.
29

30 CHAIRMAN STEWART: Any other questions, gentlemen?
31

32 MR. CARLSON: If you want to save a lot of money, you could adopt the
33 latest edition of the uniform building code. I would save you hundreds of
34 thousands of dollars you propose to spend. Answering the question, many
35 regulations are not available nor in an understandable form to those that
36 must be governed by them. I would like to cite a case I had recently of a
37 detention home for Alameda County in which there are separate buildings for
38 children of broken homes, and in that we had local regulations under the
39 uniform code, and the fire marshal's regulation for exits -- those were
40 readily available. But we find that the other agencies concerned in that
41 were the Youth Authority, of which I had no copy of any regulation at all.
42 I had to write for that. Once I got that, then this other building
43 developed -- the children of foster homes in Welfare Institutions, and they
44 made provision for size of rooms for children up to a certain age, but
45 nothing in it regarding babies, so that is nursery care, so inquiring around
46 I tried to find out what regulations applied on that, and I was informed that
47 the United States Department of Health rules and regulations governed
48 nurseries. So, you see it was a matter of about ten days before I was able
49 to supply the architect designing that building with the information.
50

51 CHAIRMAN STEWART: Thank you very much. You have given the committee
52 a good bit of advice. Mr. Yockers.
53

54 MR. YOCKERS: I wanted to make one more observation with respect to
55 building codes. I think generally all over the state of California, in fact,
56 all over the United States, our codes are patterned after the type of
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4 occupancy the building will house. Mr. Kroeger's report does not touch
5 on that particular matter, but it is one of the most important parts,
6 we believe, of the uniform building code.

7
8 If you simply establish building standards, then you will find that
9 buildings may be constructed and the next year they are converted for use
10 as an entirely different occupancy, and that is a continuing problem through-
11 out the life of the building. The changing occupancies that occur in that
12 particular building are a problem. In fact, I think it is a problem that
13 is greater than the construction of the building.

14
15 CHAIRMAN STEWART: If there are no other questions from any member
16 of the committee, we will adjourn until two o'clock this afternoon. We
17 have five witnesses that want to testify this afternoon. I thank all of
18 you very much for your cooperation.

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20 (Thereupon the hearing recessed for lunch.)

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24 THURSDAY, OCTOBER 12, 1950, 2:00 O'CLOCK, P.M.
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28 CHAIRMAN STEWART: The meeting will come to order. Is Mr. Malcolm
29 Reynolds here?

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31 MR. REYNOLDS: My name is Malcolm Reynolds, architect of Oakland,
32 chairman of the subcommittee on Legislative Matters Construction Industry
33 Department of the Oakland Chamber of Commerce.

34
35 We have prepared a statement which has been made available for the
36 committee. This statement covers suggestions to the committee which have
37 been developed through a series of meetings of our subcommittee and represent
38 the combined thinking of construction men in the industry and local building
39 officials in the Oakland area.

40
41 I would like to commend the committee for its very common sense ap-
42 proach to a difficult problem; and also Mr. Kroeger for a very fine report.
43 I have read it several times and each time that I read it I get more out of
44 it. It seems to me as though he has done an outstanding job in presenting
45 the problem. You can criticize it in various aspects, but all in all, I
46 think it is a wonderful point to start from. It is not our intention here
47 to go into all of the items included in that report. Rather we would like
48 to outline some suggestions which are substantially in agreement with the
49 plan for discussion contained in that report.

50
51 The first, and as far as the construction industry is concerned, the
52 most urgent thing, is that of overlapping and duplicate administration and
53 enforcement of building regulations.

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55 I'd like to emphasize that because I do not want to lessen the impor-
56 tance that has been brought out here this morning in the overlapping of the
57 various rules and regulations as they exist, but as far as the construction

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4 industry is concerned, it is the administration and enforcement of those
5 that we find to be the most troublesome spot.
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7 If this problem of enforcement could be simplified, the absence of
8 complete uniformity of actual codes and regulations wouldn't become quite
9 so serious. In this connection we believe the most serious overlapping is
10 between state agencies and the cities. We believe that a workable plan for
11 reducing this conflict is through an arrangement whereby the cities may
12 elect to assume the responsibility for any and all matters covered by state
13 regulations provided that the local regulations are equal or more restric-
14 tive than the corresponding state regulations.
15

16 The determination of a city to exempt itself from any or all state
17 building regulations should be subject to a finding by an appropriate state
18 body that the local regulations are not less protective than the correspond-
19 ing state regulations.
20

21 Second, we do not believe that any direct state action should be taken
22 to assure uniformity of local building codes. The progress toward uniform-
23 ity during the past few years has been very encouraging. Through the so-
24 called uniform building code developed by the Pacific Coast Building Offi-
25 cials Conference, and similar codes covering electrical and plumbing in-
26 stallations, real progress has been made toward uniformity. And I would
27 like to add that some of the problems encountered by various counties and
28 cities in using the uniform code and adapting it to their own purposes has
29 been a lack of an agency whereby information and thought could be trans-
30 fered. In other words, some of these variations that you find in the uni-
31 form building code come about because the men that are dealing with the
32 adoption of that code by a local body do not have at their disposal the
33 thinking of other like bodies when they were approaching the same problem.
34 It is only human that everyone might think a little bit differently even on
35 the same problem, and I believe that actually as the problem is approached
36 in the future you will find more and more tendency among the cities and the
37 counties to work toward a uniformity in their building codes, eliminating
38 those various minor differences that occur at the present time.
39

40 With reference to the conflict between state agencies, we believe
41 that this can and should be reduced without creating a new state agency.
42 In the first place, we feel that all such state regulations should be made
43 by the Legislature and not be administrative agencies. As a practical sug-
44 gestion we propose that the Legislature should instruct all state agencies
45 involved to consolidate and correlate all existing state laws, rules and
46 regulations, now being administered by various state departments into a
47 single proposed building code for legislative enactment. It is further
48 proposed that all such regulations be statutory, subject to revision only
49 by the Legislature, and that the rule making powers of various state agen-
50 cies be revoked automatically upon approval by the Legislature of an over-all
51 statute which would include all state building regulations.
52

53 While these specific recommendations would not clear up all of the
54 problems, we believe they represent a practical approach to the most
55 serious phases of the problem.
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3 We would like to offer the services of the Construction Industries
4 Committee of the Oakland Chamber of Commerce to assist your committee in
5 any possible way toward reaching a solution which will assure adequate
6 protection to the public without undue cost and which can be supported by
7 all segments of the construction industry.
8

9
10 I read over this report and there are a few comments that I would
11 like to make about it. I have made a few notes in it here.
12

13 Item No. 2 on page 2. The report states, "There are too many con-
14 flicts, and in such a variety of types of regulations, to make it feasible
15 or desirable ever to try to resolve the conflicts by detailed legislative
16 action."
17

18 I don't know whether I have the right interpretation of that, but I
19 do feel that there is no reason why the various state agencies involved
20 could not review their own rules and regulations and correlate them into
21 such a form that they could be enacted into statute. In the report itself
22 there is no mention made of what becomes of the ten bodies that are now
23 issuing rules and regulations.
24

25 By the way, I understand that that is actually eleven. There is
26 another one involved, although this morning I believe it was brought out
27 here that your purpose in stating it the way you did is that you would have
28 one state agency that would eliminate the other ten.
29

30 MR. KROEGER: It would be the rule making agency. There are more than
31 eleven if you break up the Department of Industrial Relations into its
32 divisions.
33

34 MR. REYNOLDS: Yes, that is correct. In just glancing down this line
35 of ten that you have listed here, it appears to my mind as though there are
36 six out of the ten where enforcement could be by local bodies. Or perhaps
37 you could split it and have enforcement by some of the regulations of the
38 state, and perhaps they could be on a local basis, and then there are two
39 here I would state perhaps are of such a nature that they should be admin-
40 istered by the state as far as the enforcement goes.
41

42 The point that you have made in your report, and that I agree with very
43 heartily, is a complete and total separation of the law making body and the
44 enforcement body. That is where we find so much trouble at the present time,
45 where most of the trouble comes from.
46

47 MR. KROEGER: I think that is right, and on that question of what
48 happens to these ten departments, I think that is part of the answer. They
49 still must have some responsibility, I presume, within the field of action
50 for which they were created; but it shouldn't be a combination of legislative
51 and enforcement problems. I think Mr. Yockers in his statement of the
52 problem of the fire marshal in making the rule and going out and enforcing
53 it, dragging the culprit in and trying him, all being vested in one official,
54 is a good statement of what is wrong.
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4 MR. REYNOLDS: In reviewing the section of this report under immediate
5 steps under Item C on page 11--3(c), I would simply like to point out there
6 that the item that I called attention to previously, namely Item 2 on page
7 2--I believe that you couldn't cure the situation by a new state agency.
8 By enacting an all state regulation into law you could overcome some of
9 the difficulty.

10
11 Also I would like to suggest this, that whatever body is created,
12 whether it is a temporary body to correlate existing state rules and regu-
13 lations into a form for enacting into a statute or whether it is a single
14 body, that a study be given to the future of the ten agencies whose func-
15 tions you are eliminating, and I would like to propose a study to this end
16 that some of those agencies be reduced to a status of research and fact
17 finding bodies with the power to recommend changes, whether it be rules and
18 regulations or whether it be changes in the statute.

19
20 There is one specific body in the state that I would like to point
21 out as being possibly a very good example. That is the Division of School
22 Planning in the Department of Education. The architects and engineers
23 look to that division as a very fine place to get information. They do not
24 issue rules and regulations. They do provide a clearing house for informa-
25 tion. They are helpful to the architects. They are helpful to the
26 school boards, and we find that almost an ideal situation as far as a state
27 body is concerned.

28
29 CHAIRMAN STEWART: Thank you, Mr. Reynolds. Does anybody want to ask
30 Mr. Reynolds a question? If not, we will hear from Mr. Hal Reynolds.

31
32 MR. HAL REYNOLDS: My name is Hal Reynolds, manager of the California
33 State Builders Exchange. Mr. Chairman and members, the Builders Exchange
34 has studied this thing rather carefully and we support in general the three
35 basic policy statements that were given by Mr. Malcolm Reynolds. I would
36 like merely to develop a couple of those points a little bit.

37
38 First, he pointed out that we oppose the centralization of rule making
39 power in the state level, particularly rule making power that would cover
40 both state and local regulations. It has been suggested at various times
41 that perhaps if you put all of the code developments or rule making in the
42 state agency and left enforcement to local agencies it would tend to unify
43 and avoid conflicts.

44
45 The one difficulty is this that even though you permitted the cities to
46 amend those regulations to make them stricter, the tendency is when you
47 develop a state wide code to develop a minimum code, something that will
48 apply to the less dangerous situations. The rural areas would be covered
49 particularly, so the chances are that you would develop a minimum state code
50 that would be more nearly applicable to the rural areas than it would be to
51 the larger cities where the need for protection is greater. Even though the
52 cities were permitted to make stricter regulations, the tendency would be
53 to have less strict regulations under that proposal than under the present
54 method. That is the argument for leaving entirely to the cities the rule
55 making power as far as local ordinances are concerned.

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4 We think anyway that the problem of blanket uniformity among the
5 cities is not nearly as serious a situation as the problem of overlapping
6 enforcement jurisdiction.
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8 The other point I would like to comment on a bit is this suggestion
9 that perhaps all of the state regulations should be in statutory form
10 rather than in rules under the administrative code. There is no intention
11 there, I think, to criticize any of the state agencies that are doing a
12 job of regulation in connection with various activities. Theoretically
13 the industry, excluding the architects and the engineers, contractors or
14 anyone who is interested in these things is protected under the administra-
15 tive code in that no agency can issue an administrative ruling that has
16 the effect of law without notice and hearings on those proposed regulations.
17 In actual practice there is such a variety of agencies involved, ten or
18 twelve, as has been mentioned here. It is very difficult for the people in
19 the industry to follow these various hearings to know when they are going
20 to discuss proposed new regulations, to appear all the time at the various
21 hearings that they hold covering ten or twelve different agencies to follow
22 those changes up.
23

24 It is for that reason rather than any criticism of the existing agen-
25 cies that we feel perhaps putting these things into statutory form where
26 any changes would have to be heard by a legislative committee--we all know
27 where to go when a legislative committee is going to consider them and we
28 feel that perhaps it would eliminate a good deal of the lack of understand-
29 ing and misunderstanding of the regulations.
30

31 MR. GRANT: You differ a bit from the previous report presented by
32 Mr. Kroeger, that an over-all group should direct the policies.
33

34 MR. HAL REYNOLDS: We agree to this extent that there should be some
35 centralization of the state regulations where state regulations are in
36 effect, but that there should be no over-all state agency to make local
37 building ordinances.
38

39 MR. KROEGER: May I bring out one point, Mr. Chairman? On this matter
40 of the tendency of the state organization to go to minimum regulations--I
41 wonder if you think it is feasible to do the thing that the report suggests;
42 that is to set different kinds of standards, depending on the nature and
43 concentration of building, so that the local authority could choose from
44 among several degrees of stringency.
45

46 MR. HAL REYNOLDS: I think it is feasible, but I don't think you would
47 accomplish a great deal through it. I would like to give you a little ex-
48 ample of what happened in another field. A few years ago a contractor was
49 examined and licensed by the cities. Before they got a license to act as
50 contractors, electrical, plumbing, or what various classifications they took
51 in the examination, they had to take an examination. In the larger cities
52 those examinations were very tough. In the small towns and communities the
53 examinations were very simple, if there were any examinations at all.
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4 That field was taken over some years ago by the state in the examin-
5 ation of contractors--without any criticism of the administration of the
6 state contractors license law. What has actually happened is that we
7 have brought up the standards a great deal in the rural areas, in the
8 smaller towns, but the examinations of the state are not nearly as tough
9 as the examinations that used to be given by the cities, and that is the
10 thing that we fear in any state rule making operation.

11
12 MR. KRCEGER: But it is not a complete parallel there because the
13 contractors license board, as I understand it, doesn't have the authority
14 to give a varying degree of examination, depending on the location.

15
16 MR. HAL REYNOLDS: I don't think they do.

17
18 MR. KROEGER: What I am talking about is to set up a body with author-
19 ity to set up different categories of stringency of legislation and give
20 the local authorities the option to choose which degree of stringency they
21 are going to have. The only thing is that they won't be adopting a very
22 stringent set of regulations with respect to theaters and then a different
23 kind of degree of toughness with respect to some other kind of building.
24 If they decided in their community they wanted a very tough set of regula-
25 tions, they would accept a set of state regulations that would be uniformly
26 tough.

27
28 MR. HAL REYNOLDS: That is right. In other words, what you are pro-
29 posing to do by that is to impose in a sense uniformity in cities of equal
30 danger.

31
32 MR. KROEGER: The best way to illustrate it is the provisions of the
33 uniform code with respect to fire zones, where different fire zones are
34 defined and then within each zone there is a different set of regulations.
35 I am trying to widen that concept out to see if that is a feasible way of
36 reducing the variations.

37
38 MR. HAL REYNOLDS: I think it is feasible, but our group questions
39 whether it is necessary. We feel that perhaps the voluntary approach to
40 uniformity among the cities may accomplish more in the long run than any
41 uniformity that is imposed by state authority.

42
43 CHAIRMAN STEWART: Thank you, Mr. Stinson.

44
45 MR. STINSON: My name is J. A. Stinson. I am the manager of the
46 general contractors and builders association of the East Bay. Our organiza-
47 tion is a group of contractors that have been organized under various names
48 for about forty years and we have had very intimate contact with many of the
49 problems that have been discussed here today. Many of our builders have
50 faced these situations and have somehow gone ahead and developed the building
51 in spite of them. Usually it has been through becoming a good friend of the
52 building inspector and getting his approval to do it this way or that way
53 and going ahead and getting it done. That is what they get paid for.

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3 Now, I discussed with many of my members and they congratulate this
4 committee. They say whatever this committee does they can do no wrong.
5 There seems to be a maximum of chaos right now and you can't add any more
6 to it. They also go further and state a corollary of that same statement,
7 to the effect that anything you do will be to the betterment of conditions.
8

9 Now, you gentlemen have before you the Kroeger report which in our
10 estimation is a very good analysis of the difficulties that are present in
11 the state, in the cities, and the various other subsidiary jurisdictions.
12

13 Also in the Kroeger report it has been called to my attention by one
14 of our builder members that of these various state agencies beginning on
15 page five, there are listed there a total of ten different state organiza-
16 tions entering the building industry. We have recently been informed that
17 the Aviation Commission in this state is also handing down rules, so at
18 this time we would like for the purpose of investigation to have them in-
19 cluded in this report.
20

21 There are some other matters that have been brought to our attention
22 like the federal agencies that enter into this picture, but I think that is
23 outside of the jurisdiction of this committee.
24

25 You recently were handed by Mr. Malcolm Reynolds a summary of recom-
26 mendations, and at this time I would like to add our endorsement to these
27 recommendations.
28

29 We believe part three of that specifically is a practical suggestion.
30 We propose that the Legislature should instruct all state agencies to con-
31 solidate and correlate laws, rules and regulations. We would like them to
32 keep in mind the simplification of all those rules and regulations. We
33 note that the title of this committee is a committee on governmental effici-
34 ency and economy. Our building industry in recent years has been very
35 severely criticized for high building costs. Perhaps it is true that a lot
36 of these high building costs are through the requirement of stringent
37 building codes making the ultimate product beyond the purchasing power of
38 the consumer.
39

40 As an illustration of that statement, I would like to call your atten-
41 tion to the certain areas that may require a Class A fireproof structure in
42 the fire zone. The trend in recent times has been to leave the Class A
43 zoning region and go out to some suburban area in the midst we will say of a
44 housing area and put up a Class C or D or even a cheap frame construction
45 and put their store in there, getting cheaper structure to begin with,
46 cheaper rental in the interests of economy.
47

48 And another matter in the interest of economy might be pointed out,
49 the requirements of school construction due to earthquakes. Some twenty
50 years ago there was quite a stir throughout the state for earthquake proof
51 buildings, which resulted in many of the school buildings throughout the
52 state being earthquake proof by the addition of a steel and other processes.
53 However, recently the trend has been for frame construction also in the
54 interests of economy. So in your consideration of any adoption of uniform
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4 building codes, we would like you to keep in mind that economy is also a
5 function of this committee. Thank you.

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7 CHAIRMAN STEWART: Thank you very much. Is Mr. Cliff Darwin here?

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9 MR. DARWIN: Mr. Chairman, members of the committee, my name is Cliff
10 Darwin of the Oakland Builders Exchange.

11 Gentlemen, we have examined this Kroeger report and also have thorough-
12 ly gone over the suggestions made by Mr. Reynolds a little while ago, which
13 we favor almost completely. I think the Kroeger organization has done a
14 very fine job of analyzing what we call a critical problem in the construc-
15 tion business, particularly in the East Bay with so many municipalities
16 practically without boundaries yet different areas having different types
17 of enforcement and different types of codes. We believe if something could
18 be done to standardize those things it would be very helpful and it would
19 reduce the problems and the cost to both the industry and the general public
20 in building. One thing occurred to me in the statements made by Mr. Reynolds.
21 In Section No. 1, where it says, "The determination of a city to exempt it-
22 self from any or all state building regulations should be subject to a
23 finding by an appropriate state body that the local regulations are not
24 less protective than the corresponding state regulations."

25
26 I think that particular point should be approached rather cautiously
27 due to the fact that we are attempting to bring about some standardization
28 of building codes and regulations of enforcement. If we set up minimums
29 without giving some consideration to maximums we are still going to have a
30 lot of building code that might be adopted with exemptions on the part of
31 certain cities which would then become pretty much of an indeterminate
32 condition because they could go as far as they want on the restrictions
33 simply observing the minimums. That is all I wanted to say, Mr. Chairman,
34 and to urge that your committee give serious thought to this statement by
35 Mr. Reynolds because we feel in the East Bay that it carries a lot of merit.
36 Thank you very much.

37
38 CHAIRMAN STEWART: Thank you. Mr. Kramm--is he here?

39
40 MR. KRAMM: I am Ernest Kramm, manager of the Northern California
41 chapter of the National Electrical Contractors Association. Our activities
42 are chiefly in the East Bay and Alameda and Contra Costa Counties and in
43 certain outlying areas of our chapter.

44
45 By and large, I believe our contractors will endorse the ideas which
46 were expressed by the three gentlemen which preceded me. We are very much
47 aware of the need for uniformity in a building construction code, especially
48 in the East Bay where we have so many different cities as well as two
49 counties. We don't want, however, to have any type of legislation adopted
50 which would put into the hands of the state a responsibility for a good
51 standard of electrical installation which however they would not have the
52 means to enforce.

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54 In effect we would like to call attention to the contractors state
55 license board activities. Now, we were very strong supporters of the move

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4 in recent years toward having the licensing of contractors done by the state
5 contractors license board because we thought that we would be assured that
6 a competent electrical contracting service would be assured through such
7 state licensing.

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9 The effect of it, however, was that almost anybody could get a state
10 license if he could pass the examination. The standards were not too high
11 and so far as financial responsibility was concerned there were practically
12 no standards. Anybody could go and do business and the various regulations
13 adopted in the many communities to assure those communities of competency
14 in amongst the electrical contractors were all broken down.

15
16 Now, we as electrical contractors would like the representatives of
17 the state to keep in mind the importance of having good enforcement and en-
18 forcement facilities in the hands of the government once any standard is
19 set up.

20
21 Now, a word as to these standards. The electrical contractors do not
22 operate under the requirements of the uniform building code. They operate
23 under the standards set for it by the national electrical code. Perhaps
24 they are better organized than any other group. Maybe the exception is the
25 plumbers.

26
27 Those national standards, however, are not applied uniformly through-
28 out the country because you find that in certain areas there are variations
29 from those standards to meet the demands of the public in the particular
30 area. We feel, however, that the findings of your committee have been very
31 good as to the chaotic conditions in the building trades and we would like
32 to see all of the activities, the regulatory activities of the state com-
33 bined on a uniform basis.

34
35 We feel that each city and county should be able to elect a higher
36 standard of electrical installation as may suit that community or that
37 county. Let us consider what the state itself has done with respect to
38 electrical installation standards which apply to structures built for com-
39 mercial and industrial use.

40
41 You now have in the State of California the electrical safety orders
42 and they apply to every commercial or every building in which commercial or
43 industrial activities are carried on in which people are employed. They are
44 quite a bit more stringent than the national electrical code and we all
45 grant that that is fair. I would also like to point out that you adopted
46 those in 1934 and here it is 1950 and you haven't made any changes from them.

47
48 You have been holding hearings for the last two years on the proposed
49 new electrical safety orders and it takes a long time to get those improve-
50 ments made. Your electrical contracting industry is in a good position to
51 evaluate what the additional needs are beyond what is required by the national
52 electrical code for improvements in your standards for electrical installa-
53 tions.

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55 Speaking for myself as a person, I would like to see the state adopt a
56 minimum standard for electrical construction. You might also adopt as a
57 minimum standard the requirements of the national electrical code which are

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4 by and large the basic standards in every community and county and state
5 in the United States and are accepted in court as *prima facie* evidence of
6 a good electrical installation so far as a minimum standard is required.
7 But beyond that still allow every community the right to adopt a higher
8 standard as that community sees fit to apply to its own needs.
9

10 MR. BROWN: Could you give us some examples? Everybody has been
11 talking all day about how things run. Could you give us some actual
12 physical examples of these variations between cities as far as your profes-
13 sion is concerned?

14 MR. KRAMM: Yes, there are wide variations. There are variations in
15 wiring materials. There are variations in the size of electrical service
16 you have to offer in the buildings. There are variations in wire sizes you
17 have to have. There are quite a number of variations. However, they are
18 all basic. I mean they are all variations from a basic code. The correction
19 can best be made within the industry just as on the uniform building code.
20 They are organized to get a standard of uniformity across the state and have
21 achieved national recognition for what they have done. We in the electrical
22 contracting industry believe that we are capable of setting standards which
23 are sound and which will be accepted. We don't believe that you should
24 have a fixed standard and say that every city has to compare to it, because
25 you know yourself that the City of San Francisco varies greatly from a
26 small rural community as to its electrical needs. San Francisco is built
27 with one flat next to another, and your needs for your electrical installa-
28 tions are obviously different from what might be necessary in a small com-
29 munity, and that is why I say, let's not have a one standard that applies
30 for the whole state.

31
32 Let's have an intelligent standard which can apply to different com-
33 munities, and which will allow the communities an opportunity to keep their
34 standards high enough to satisfy the citizens of those communities.

35 CHAIRMAN STEWART: You are satisfied with it as it is now, are you?

36
37 MR. KRAMM: No, we want to see all of these many different state
38 regulatory groups, the ten which you mentioned, we would like to see them
39 all operate under a uniform interpretation insofar as that is possible. We
40 would like to see a minimum code adopted, but we would like the matter to be
41 elective on the part of the communities and the counties to adopt higher
42 standards where they see fit and to enforce them.

43
44 CHAIRMAN STEWART: Any other questions?

45
46 MR. LINCOLN: I would like to suggest that we get a little more infor-
47 mation on Ralph's question here. Mr. Brown would like to be cited some
48 specific examples, and I know there are men in the audience that could cite
49 us some of those. I wish you would call on a volunteer to give us a few of
50 these problems that are run into. Mr. Darwin or Mr. Reynolds could give
51 some.

52
53 MR. MALCOLM REYNOLDS: I can't point out variances in electrical
54 installations, but I can in general building codes. I believe I am correct

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4 in stating the city of San Francisco code for years has prevented the in-
5 stallation of wood shingles on roofs, so that you might have a house in the
6 county of San Francisco one hundred feet from the San Mateo County line that
7 can't have a wood shingled roof and immediately across the line in San Mateo
8 County they can build them by the thousands.

9
10 Well, obviously when the code was originally set up preventing the use
11 of wood shingles on a house in San Francisco, it was due to the fire in 1906.
12 But you can see how things like that occur and what they do. They immediately
13 create these variations which become ridiculous when you consider these
14 imaginative or imaginary dividing lines between cities and counties.

15
16 Or, take exterior plastering. I don't think there are many cities now
17 which permit you to use what we used to call Bercut lath which is a wood lath.
18 It used to be common practice to use that wood lath for exterior plastering.
19 There are some localities where you can use that. In others you cannot.
20 Obviously you can't tell the difference on a completed job but there is a
21 tremendous amount of difference in the value of a plastering job where one
22 is put on that Bercut lath and another is put on over a proper type pf
23 sheeting paper and a stucco mesh. Now, those are obviously difference which
24 should be ironed out. I could recite those sort of things almost endlessly
25 where they occur in communities such as the East Bay where you have Alameda,
26 Oakland, Berkeley, Albany, Hayward, and these other communities that are
27 actually one metropolitan area.

28
29 MR. BROWN: What I was trying to get at is some kind of example. I
30 have heard a fellow talk about building a building and then the Department
31 of Industrial Relations comes down and says, "You have got ladies working
32 here, so you have to do this. You've got to have a rest room for them that
33 is so many square feet, with a sink so they can have coffee four times a
34 day," and then you get that all started and so forth. Then somebody else
35 comes along from the state from another department that you didn't know
36 about, and they say you have to do it a certain way. I just wondered if
37 you could give us some specific examples of conflicts on those things?

38
39 MR. REYNOLDS: I could talk all day on that subject because I have had
40 people from state agencies coming around after they had been passed by state
41 agencies and built, and somebody comes and says, "You can't run your electrical
42 installations that way. They have to be this way. The size of your conduit
43 for the main service is wrong." That sort of thing just goes on and on and
44 on. It is endless. That is the thing that the architects, the engineers,
45 and particularly cognizant of. We are faced with that endlessly.

46
47 Of course, I think Mr. Yockers brought out this morning that his biggest
48 headache is this matter of coocupancy. You brought up the question of women
49 working in a place. You can't tell when your building is built whether you
50 are going to have men, women, or children working in it.

51
52 Your occupancy might change during the life of the building. Every
53 time you change an occupancy you are going to run into more of these head-
54 aches. That is a whole subject in itself.

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4 But, I do believe that a lot of these other things where there are,
5 particularly state regulatory bodies, that come in after a building is
6 built and present you with a set of rules and regulations which are rela-
7 tively obscured even to the architects and the engineers and that is
8 extremely costly, very costly, and then we have varying interpretations by
9 local men who have those regulations, who will pass something only to have
10 a state regulatory body say, "No, that isn't the way to interpret that.
11 You do it this way." That is a continuing fight all along.
12

13 CHAIRMAN STEWART: Any other questions? Any other comment from
14 anybody in the audience on this subject.
15

16 MR. DARWIN: I would like to cite a couple of instances which might
17 tell this gentleman what he wants to know. We had a case in the East Bay
18 not long ago. For example the boundary line between Oakland and Berkeley
19 runs down the street. The lots happened to be on opposite sides of the
20 street. He built one in Berkeley and started the second in the city of
21 Oakland and found out his foundation didn't match requirements of the city
22 of Oakland. He thought he was building in Berkeley and didn't know until
23 he was pretty well along that he was in the city of Oakland. The result
24 was that he had to tear out quite a bit of the work and do it over. Besides
25 losing a lot of money he lost a lot of time.
26

27 We had another case reported down in Santa Monica. A big public
28 building was almost done when the state housing people said, "You haven't
29 got enough window area in those rooms." And they tied it up for a matter
30 of months. They finally worked out a compromise. In both cases, it meant
31 a lot of money, a lot of lost time to the industry as well as to the
32 general public that was buying the product. I think if you could look into
33 the record you could find a great many more cases just like that where some
34 agency has allowed a man to go on a certain point, and suddenly another
35 agency comes along and says, "That doesn't match our requirements, and you
36 have to stop until you get it corrected."
37

38 CHAIRMAN STEWART: Any other question? Any other comments?
39

40 MR. WHITTON: I would like to speak in opposition to some of the ideas
41 of my friends from Oakland. As in envisage this thing, if it were ideally
42 done there would be a small code writing authority in Sacramento, whether
43 a separate agency or an offshoot of a present agency, who would be answerable
44 to a broad board that weren't all of one type. There would be an architect,
45 an engineer and so forth. And by an enabling act this small code writing
46 authority could on good reasons change their code.
47

48 These recommendations that have been submitted from Oakland says that
49 the code should be statutory. That is only change by the Legislature. Now,
50 as an example of that--for the last seventeen years we have built buildings
51 under the Appendix A in which the regulations being put out by the state
52 division of architecture. Those regulations were put out a month after the
53 Long Beach earthquake. They have been in effect ever since then. They have
54 gone through very few changes. What changes have been made have been made
55 with the advice of a very competent board of engineers and it doesn't have
56 to go back to the Legislature for every detailed change. As progress goes
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4 on changes have to be made in any building code, and if the Legislature was
5 to be worried about the details of it, about the details of the many changes
6 that come up in the progress of building, it would be an endless and con-
7 fusing matter.
8

9 For instance, we have the State Housing Code now that is statutory
10 and there should be changes made in that. It is a very difficult thing
11 and if the code writing authority is set up in the proper way and we assume
12 it would be competent and honest, the changes could be readily made when
13 they ought to be made, they are made on the state level it seems to me it
14 is a workable scheme. It should be left to the experts who write the code
15 backed by the people who are competent in the field. I think the code
16 writing authority should listen to all those state agencies and get their
17 advice, but I don't think they should be subject to them. Many of these
18 regulations that we are now governed by are put out entirely by people who
19 build and believe in safety or are people who believe in this or that and the
20 other thing, and they are all put out you might say by specialists and they
21 accent that particular field they are in, and a proper code should be sifted
22 by people who recognize the whole problem of the building industry.
23

24 For instance, when architects build, they can build a building that
25 would never burn down, that couldn't possibly burn down, if somebody would
26 pay the money, but nobody is going to pay the money. We have to make a
27 compromise, and we have to make adjustments as to what is the wisest thing
28 to do. Therefore the people who write the code should be made up of
29 representatives of the whole field of the industry in the State of California
30 so we get a fair code best suited to their needs.
31

32 CHAIRMAN STEWART: Let me ask you a question in regard to public
33 school buildings. It was the Field Bill?
34

35 MR. WHITTON: That is right.
36

37 CHAIRMAN STEWART: Who prescribed the regulations under the Field Bill?
38 Did the state architect?
39

40 MR. WHITTON: That was put out by the State Division of Architecture.
41

42 CHAIRMAN STEWART: They wrote the specifications?
43

44 MR. WHITTON: They wrote the specifications in total. They had a very
45 fortunate situation in that for years, before the Long Beach earthquake,
46 there had been an activity in this state for a chamber of commerce code that
47 it was hoped would be a guide for a uniform code throughout the state, and
48 engineers from the north and south put a great deal into that code and many
49 phases of it were most excellent, particularly the structural phases, and
50 the earthquake came along and they practically took the whole structural
51 part of that code and adopted it one month after the earthquake and it became
52 our regulations and has been so ever since without hardly any change. Since
53 that time the uniform code and the various city codes have stepped up their
54 provisions until now they are practically equal with what we call Appendix A.
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4 If you sincerely abide by it you would produce practically the same
5 building that would be produced by the Appendix A of the State Division,
6 which is as far as we are concerned for building schools mandatory upon us.
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8 CHAIRMAN STEWART: In your opinion, those regulations are satisfactory
9 to school districts all over the state?
10

11 MR. WHITTON: I would say entirely so, yes.
12

13 CHAIRMAN STEWART: Thank you. Any other comment by anybody in the
14 audience?
15

16 MR. YOCKERS: Mr. Chairman, there has been considerable discussion of
17 and thinking along the line of the building code, and as it has been discussed
18 today, it is rather a broad field. Perhaps some breaking up of building codes
19 into the various features that they govern might be a wise step if such
20 standards are to be established in a code on a state level. We have men who
21 are in the construction business who are thinking in terms of building a
22 building. We have electricians here who are thinking in terms of wiring the
23 building. Perhaps there are some here who are thinking in terms of heating,
24 ventilating and others still who are thinking in terms of special hazardous
25 occupancies that may go into these buildings and may require that they be
26 separated therefrom.
27

28 It just occurred to me that the most logical approach to this problem
29 of setting up a state code, if it were to be established would be to set up
30 a building code that has to do with the design and construction of the
31 building, the exit ways, the areas and height limit and things of that kind,
32 structural stability, and then in a separate code possibly referred to as
33 mechanical code have the requirements for electrical installations, the
34 heating, ventilating, seating arrangements, painting booths, spray booths,
35 and things of that kind that would be installed within the building. It could
36 be called the mechanical code and would deal with the proper storage of
37 flammable liquid or the handling of flammable liquids, and many things of
38 that kind. If you stop to make a count of the mechanical requirements for
39 operations within a building, you would find they far outnumber those of
40 constructing the building, and then beyond that is a third, I believe. In
41 the maintenance of those mechanical and structural features, you should have
42 something of a fire prevention code to match with it. We would have perhaps
43 the ideal situation of a building standard that way.
44

45 There is some place then where we may break between enforcement, a
46 gathering together of all of the standards that are adopted, whether national
47 standards, or locally accepted standards were adopted. They could all be
48 printed together where an architect would be able to find them.
49

50 One other point that I would like to make mention of in the setting
51 of standards that certainly would have to be considered. There are codes that
52 are written along the lines of specifications. There are other codes that are
53 written as performance codes. They differ very materially. There are still
54 a third type of code that combines a specification and performance code. By
55 a specification code I mean a code that says that, as the electrical men
56 mentioned, the wire must be of a certain size. A performance code dealing
57 with electrical wire would say that it would have to be capable of transmitting
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4 so much electricity at a certain voltage. There is a difference between
5 the specification and the performance. The performance code seems to be
6 more desirable to building officials as well as the industry. It is because
7 it makes possible the development of new materials, the acceptance of new
8 materials that might not correspond to the existing specification code.
9 I might use as an example the fire protecting of steel beams. During the
10 past few years there has been considerable development in the field of fire
11 protecting steel members in building to lighten up the building to do a less
12 costly job and just recently we received from the underwriters laboratory
13 their approval of a material for fire protecting steel beams that is about
14 one third the thickness of the concrete that is now used and probably which
15 is not more than ten per cent of the concrete that was originally required.
16 Now obviously that cuts down the cost materially on a multiple story building
17 since design must start from the ground up and the steel below must be
18 adequate to carry not only the floor load above, but the weight of all that
19 fire protecting concrete above.

20
21 So one of the problems in setting a code should be whether it is to be
22 a performance code, a specification code or a combination of the two.

23
24 CHAIRMAN STEWART: Thank you very much. Mr. Chamberlin, do you want
25 to make an observation.

26
27 MR. CHAMBERLIN: I was going to make a comment on Mr. Brown's query.
28 Some of the minor conflicts or units of conflicts in our local ordinances
29 seem rather insignificant to us, but perhaps they are the basis upon which
30 you of the committee are formulating your thinking, and so I wanted to bring
31 up several of those conflicts.

32
33 For instance, the requirements for gas appliances vary from one end
34 of the state to the other. You have codes in the southern part of the state
35 which require no venting for certain gas appliances. You have the approval
36 of transite or cement asbestos piping for many other types of appliances in
37 certain areas, and in certain other areas it requires that you have a patent
38 flume which is a terra cotta pipe with a metal casting on the outside.

39
40 Mechanical ventilation requirements are one of the things that vary
41 probably more than anything else in different types of occupancies and in
42 different localities and that is based on performance principally.

43
44 As far as plumbing is concerned there is a terrific variation in the
45 type of fittings that are allowed in certain communities that are as close
46 together as Berkeley and San Leandro.

47
48 Copper waste pipe sewers are allowed in certain areas whereas terra
49 cotta or cast iron are approved in others.

50
51 As far as electrical installations are concerned in adjoining areas
52 in the East Bay, the County of Alameda, I believe, approves only the use of
53 conduits in commercial areas, whereas some of the other cities and political
54 sub-divisions allow the use of metallic sheet cable and still others allow
55 the use of nonmetallic sheet cable.

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4 That may give you a notion as to the wide variety and the wide scope
5 of some of the conflicting small items which each one in itself is not
6 significant, but in the aggregate is quite confounding to the industry,
7 confounding in cost which the committee has asked about in that all of
8 these various trades who operate in one or more, rather in more than one
9 community in an area must maintain a stock or be out of supplies. They
10 have to have sufficient different varieties of equipment to fit the code
11 requirements of the various communities in which they operate.
12

13 A uniformity of code in those areas would materially cut down the
14 inventory required to be carried.
15

16 I would like to point out apparent ambiguities in the various code
17 requirements aside from conflicts themselves. An occasion arose recently
18 where the electrical service to a structure being designed was in question
19 and four parties were questioned on the subject. One, the subcontractor
20 for electricity for electrical work, one the architect's mechanical
21 engineer, one an electrical inspector from a community who was supposed
22 to be well up on the subject, and the other a representative of the
23 Industrial Accident Commission, and the four people questioned on the
24 subject which was one of the state code, didn't give the same answer, and
25 it was becoming rather difficult to determine what the proper design for
26 that service should be.
27

28 You could go on and on with the differences in the local codes. You
29 have asked that question and I thought it might be of some benefit.
30

31 CHAIRMAN STEWART: Thank you. If there is no objection, we will
32 adjourn until ten o'clock tomorrow morning. I thank all of you for
33 contributing to the success of this meeting.
34

35 (Thereupon the meeting adjourned until the next morning.)
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39 FRIDAY, OCTOBER 13, 1950, 10:00 O'CLOCK, A.M.
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43 CHAIRMAN STEWART: The meeting will come to order. Mr. Paul
44 Scharrenberg just walked in. Mr. Scharrenberg, are you familiar with the
45 resolution and with what the committee is called upon to do?
46

47 MR. SCHARENBERG: If I may, I would like to give you a very brief
48 historical review of our housing law. There was no state housing code until
49 1913. Then a bill was written to create an immigration and housing
50 commission. It provided for all sorts of things including the protection of
51 immigrants. Then a housing act was written.
52

53 The reason the word "immigration" was put in the bill is that it was
54 anticipated with the completion of the Panama Canal we would have ship loads
55 of people coming here. Instead of dumping them in New York, they would come
56 directly here.
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4 Then we entered the first world war and Panama Canal was completed
5 and Congress changed our immigration law and tightened it up and no ships
6 ever came. That didn't materialize. And I might suggest in the Legislature
7 four years ago the word "immigration" was taken out of that law at my
8 suggestion. We still have the state housing code. You are familiar with
9 the code.

10
11 CHAIRMAN STEWART: Yes, but, Mr. Scharrenberg, do you thoroughly
12 understand what this committee is instructed to do? We are trying to
13 eliminate overlapping jurisdiction where you come in after we get a
14 building built and you tear it down.

15
16 MR. SCHARENBERG: I served for nine years on that immigration and
17 housing commission without pay. They get twenty dollars a day now. I was
18 appointed by Governor Johnson. The next governor fired me because he said
19 I wanted to make housing more expensive. What I was trying to do was make
20 decent houses for the working people.

21
22 Speaking for the Department of Industrial Relations and the division
23 of housing, it is true that the Labor Code indicates that there is overlapping
24 between several divisions, but in truth and in fact we have eliminated that
25 entirely. We have monthly meetings of the division chiefs and if there is
26 any sign or any indication or any complaint or report that two or more
27 division or anything of that sort are in conflict, we straighten it out,
28 regardless of the fact that the law may give the same job to two or three
29 different divisions. That is the way we have operated.

30
31 With respect to conflicts and overlapping between departments I don't
32 know of any except with the Department of Public Health. That has been one
33 question and there has been some overlapping and after a number of conferences,
34 we arrived at an amicable agreement. Dr. Halverson and myself signed it.
35 It has more to do with reporting of occupational diseases than housing,
36 but nevertheless it shows what can be done when department heads get together.
37 That has been in effect about three years now and evidently it operates to
38 the satisfaction of all concerned. Otherwise I do not know of any conflict
39 between state departments.

40
41 CHAIRMAN STEWART: Then you don't recognize that there is any
42 necessity for cleaning up any overlapping jurisdictions between cities,
43 counties, and the state?

44
45 MR. SCHARENBERG: There is no overlapping jurisdiction. The State
46 Housing Code establishes minimum standards. The cities can adopt any kind
47 of housing code they want to but it must be the minimum complying with the
48 state. If they don't the state can step in and do something about it.

49
50 We also step in when we are asked to come in which happens once in a
51 while. Otherwise there is no conflict. Contractors necessarily are always
52 in a hurry when they come around and they want to know, "Is this all right?"
53 They shove something at you. They haven't time to wait. I think that
54 explains much of the complaints that have been made. We try to be reasonable
55 and fair and try to facilitate the business of contractors particularly.
56 They are the ones who complain mostly.

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4 CHAIRMAN STEWART: Have you seen Mr. Kroeger's report?
5

6 MR. SCHARRENBERG: No, I haven't.
7

8 CHAIRMAN STEWART: Have you an extra copy you can give Mr. Scharrenberg?
9 (One was handed to Mr. Scharrenberg.) You may take that with you so you
10 may study it.
11

12 MR. SCHARRENBERG: Yes. I want to mention this--I want to explain
13 the situation some more. When this Department of Industrial Relations was
14 created, there were five independent divisions in the state government
15 created by legislatures one by one entirely separate and apart from each
16 other; and when the Legislature decided to create the Department it took
17 those five independent state agencies without making any change whatever and
18 heaped them in and said, "Here is a department." Then they wrote in there a
19 nice little paragraph stating that the director of the department "shall re-
20 organize the department for greater efficiency and economy with the approval
21 of the governor." Well, that looked very nice on paper, but it so happens
22 that neither the director nor the governor can change any line in the Labor
23 Code. The law remains. I could only organize by saying, "Let's get together
24 and be reasonable and not have any conflict." But we couldn't change the law.
25

26 Now, it may be advisable and desirable to rewrite those different laws
27 in the division with respect to housing so as to remove doubt in the minds
28 of men that there is overlapping.
29

30 CHAIRMAN STEWART: There was a great deal of testimony here yesterday,
31 Mr. Scharrenberg, by building associations and architects and you found,
32 Mr. Kroeger, that there are some ten state agencies that do enter into this
33 field directly, isn't that right, Mr. Kroeger?
34

35 MR. KROEGER: That is right, in all aspects of building safety, not
36 just on housing.
37

38 MR. SCHARRENBERG: Well, as I have stated, we have had no conflict
39 with any other agency except the department of public health and that has
40 been ironed out to the great satisfaction of everybody, and in most of the
41 other states they are still fighting.
42

43 CHAIRMAN STEWART: Well, the resolution that was introduced in the
44 Legislature contemplated that this committee would make a study and then
45 the overlapping jurisdictions say--well, you tell us Mr. Kroeger.
46

47 MR. KROEGER: Well, you have got everything from agriculture to
48 military and veterans affairs that are in some aspects of the problem. The
49 Department of Agriculture, for example, has certain regulations with respect
50 to dairies.
51

52 I don't recall now a specific illustration, but it is quite possible
53 that there could be conflicts between the Department of Agriculture regulations
54 on dairy barns and one of your industrial safety orders.
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4 MR. SCHARENBERG: In that particular instance we would only step in
5 in the construction of the building.
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7 MR. KROEGER: That is right. That is the nature of the thing that we
8 are talking about. In all stages of the building of a building or in its
9 later modification when occupancy changes there are some ten state agencies
10 that get into it in one way or another, plus all the cities and many of the
11 counties.
12

13 Many of the cities have the attitude that there is more conflict with
14 the state than the state sometimes recognizes. The State having the superior
15 authority may not see it as a conflict. If you have authority to go in and
16 tell somebody to do something, you may not see it as a conflict, whereas
17 the city officials who are involved in the thing feel very much there is a
18 conflict. They have a greater local interest. They have local interest that
19 transcends the state interest.
20

21 MR. SCHARENBERG: The city officials can write any kind of housing
22 law they want to, and we son't bother them at all. Outside city limits we
23 do our work, and I believe it is very effective.
24

25 I think Mr. Yockers will testify to that because we cooperate with them.
26

27 CHAIRMAN STEWART: If there is a building built and there is a change
28 in the occupancy and they have numerous employees in that building, women
29 and men. You do then go into that phase of the change if they alter the
30 building and change it for a different purpose? You do go into that, don't
31 you, in the Industrial Safety?
32

33 MR. SCHARENBERG: Our Division of Industrial Welfare takes care of
34 women and children, establishes minimum wages.
35

36 CHAIRMAN STEWART: I'm talking about the facilities.
37

38 MR. SCHARENBERG: They also see that a place where women are employed
39 must be sanitary, sufficient cubic feet of air and so forth. Now, if an
40 old building has formerly been used for other purposes and is turned into a
41 factory and a lot of girls are in there, we look it over and if necessary
42 do some correction.
43

44 MR. KROEGER: Wouldn't you get this situation--to illustrate how a
45 number of agencies can be involved? A building to be used as an institution
46 is going to employ women so your department is concerned with it from the
47 standpoint of the employees who are going to be there.
48

49 If that institution is going to have among its patients some mental
50 patients, then the State Department of Mental Hygiene is going to have an
51 interest in it; and if it is also going to be a foster home in part or a
52 home for aged people, the State Department of Social Welfare is going to get
53 interested in it; and if in serving those patients, there is going to be
54 hospital facilities, the State Department of Health is going to get into it.
55

56 MR. SCHARENBERG: With respect to occupancy of that building?
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4 MR. KROEGER: That is right. That is the sort of situation we are
5 trying to illustrate as the possibility that exists and as the actuality
6 that exists and brings about conflicts between those state agencies. The
7 difficulty of the builder is in getting all those state agencies agreed on
8 regulations.

9
10 MR. SCHARRENBERG: We don't go to asylums and state institutions of
11 that type.

12
13 MR. KROEGER: They are employers, aren't you concerned with the
14 employees?

15
16 MR. SCHARRENBERG: Oh, yes.

17
18 MR. KROEGER: You are concerned with the facilities for the employees
19 in that building?

20
21 MR. SCHARRENBERG: The state employees?

22
23 MR. KROEGER: I'm talking about private institutions.

24
25 MR. SCHARRENBERG: Well, as I have already stated, we have no juris-
26 diction dispute with the State Department of Public Health, and I think they
27 themselves will be glad to certify to that.

28
29 MR. HAWKINS: In the case just illustrated what could be done about
30 such a case? Just what is being suggested to correct that?

31
32 MR. KROEGER: That is being suggested is a single state agency to
33 coordinate the promulgation of regulations so that if there are conflicts
34 at all in the regulations then the total regulation would take into account
35 all of those interests. It is quite conceivable you get a health officer
36 who looks at a set of regulations in terms of what are the minimums
37 necessary for public health. He may promulgate a regulation which is quite
38 adequate for public health, which however still leaves a fire hazard. Now,
39 at that point the fire marshal is interested in a regulation which goes
40 beyond the health regulation in order to meet that fire hazard.

41
42 Now, the thought is to have a single state rule making agency which
43 will consider the interests of the public health, the interests of fire, the
44 interests of industrial safety and all the other interests and then get a
45 single regulation which would provide the minimum that would protect on all
46 those fronts.

47
48 MR. HAWKINS: You would take the rule making power away from the
49 individual agency and concentrate it in one agency?

50
51 MR. KROEGER: That is right.

52
53 MR. HAWKINS: Have you given any thought to the possible loss of rule
54 making, well, let's say, background, if you can call it, that would result
55 from that? In other words, would such an officer representing a particular
56 field in a separate agency be more qualified to deal with a particular

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violation than one, than the agency itself? Would the Department of Mental Hygiene--we look to them for the enforcement of the laws of that department. Now, if you put an inspector in a separate agency, would that inspector actually enforce the laws as they relate to mental hospitals as well as the department itself?

10 MR. KROEGER: No, the recommendation, Mr. Hawkins, is that the central body be a rule making body, not a rule enforcing body. I think enforcement and rule making ought to be separated. That is one of the points of the report, Mr. Yockers made the point very well yesterday morning as to the uncomfortable position he is sometimes in, making the rule and going out and apprehending the violator and bringing him in before himself to pass judgment. He is legislator, police department and judge. That is part of what seems to me to be the unhealthy nature of the situation. The suggested plan would create a single agency to make the rules.

I think that board or agency should be constituted as a board which would represent the state departments that are concerned, the local departments that are concerned, and the principal industries--that is the architects, private architects, private builders, and so forth should be represented on it. It begins to sound like a big and unwieldy body, but it would have a tremendously important quasi-legislative function, and I think it would be justified.

MR. HAWKINS: I am wondering--let's confine it to rule making--whether the rules so made would be as good as if they were left to a separate agency which would more or less be serving building contractors, which is the reason for the creation of these rules in the first place.

Let's say it is mental patients you are talking about in private institutions rather than public institutions. I am wondering whether or not an inspector who is inspecting for a rule making body which is a single agency which is principally for building purposes, that is for serving contractors, whether or not that individual is going to make rules best for the mental patients or whether he is going to make rules to satisfy contractors? The same might be true of industrial relations, whether an individual who works for a building agency is going to make good rules for the employees, or whether he is going to make good rules for the contractors? It just seems to me that the danger we run in such an agency is considerable.

MR. KROEGER: That gets to the question of how you constitute the agency. One approach to it would be to say that the directors of the principal departments in the state are ex officio members of this rule making body. It seems to me there should be then an equal number of local officials made up perhaps of a city manager, a local fire chief, health officer, a local building official, and the like. Then there should be representation from the outside as far as the industry is concerned. I think certainly that primary responsibility for industrial safety enforcement belongs in the Department of Industrial Relations. It is just a question of removing the rule making authority to the place where you can get a combined rule that takes into account all of the several interests. My answer to your question as to whether you get a better rule that way, is that in my opinion you would, because you get a single rule which would represent all the departments.

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4 MR. HAWKINS: Better for whom?
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6 MR. KROEGER: A better rule from the interests of the state in that
7 the state's policy would be consolidated; a better rule from the standpoint
8 of the industry in the sense that that rule would be clearly stated and in
9 one place and susceptible to a single interpretation. Now, the builder of
10 that institution I was speaking about a while ago must be aware of all the
11 regulations of all the state agencies, and some of which are not printed in
12 any regularly established form that he can readily get and in which he
13 sometimes finds conflicts.
14

15 You will see a minimum requirement of three different departments each
16 of which is a proper minimum as far as that one department is concerned, but
17 the real minimum for the building he is going to build is the highest
18 standard of any of the state agencies that are concerned in it; but he doesn't
19 know about that because he doesn't know who all has regulations on it.
20

21 MR. SCHARRENBERG: May I make a clarification. There are only two
22 divisions that have the power and the authority under the law to write rules
23 and regulations in our department. One of them is the Division of Industrial
24 Safety. They have an Industrial Safety Board of five members, four appointed
25 by the governor for four years and myself. When they write a safety code or
26 rule or regulation, that is the same as the law of the land, enforceable in
27 the courts. The other division is the Division of Industrial Welfare. They
28 are authorized to make minimum wages, and when they do fix a minimum wage,
29 again after going through this long ceremony of public hearings, then again
30 that is enforceable in the courts of the land and we do enforce it.
31

32 Now, with respect to housing, there is a housing commission that has
33 no authority whatever to write any rule or regulation. It is purely advisory.
34 Every two years, we come to the Legislature with our state housing code,
35 with our labor camp sanitation law and auto camp inspection and wrestle with
36 the committees and try to prevail on them to raise it a little bit, change
37 this or change that. Sometimes we do and sometimes we don't.
38

39 Last year the Assembly passed an improved housing code and the Senate
40 kept it in committee. The Division of Housing is such they can't change
41 one word in the law.
42

43 CHAIRMAN STEWART: That is your agency can't?
44

45 MR. SCHARRENBERG: The Legislature alone does that. It is different
46 with the other two divisions.
47

48 MR. KROEGER: Mr. Chairman, that raises a point on which I think the
49 committee should get some testimony from Mr. Scharrenberg. There was the
50 suggestion made here yesterday by two or three witnesses that it would be
51 desirable to have a greater uniformity at the state level and the recommen-
52 dation was made that that should be entirely statutory, rather than creating
53 any rule making authority at all. Now, you have had a very fine experience
54 here with divisions under your direction, one having completely statutory
55 operation and others having rule making authority. I wonder if you could
56 give the committee your views on which is more workable of those two methods.
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4 MR. SCHARENBERG: I think obviously it is better for all concerned
5 if power could be exercised by the state agency. However, there is always
6 a question of responsibility--will it satisfy the people concerned to have
7 a body of citizens appointed by the governor. They obviously couldn't be
8 elected to write rules and regulations that concern dollars and lives in
9 housing which is a much wider field than any of the other two that I mentioned.
10 It is certainly more expedient. You get results better.

Take, for example, our industrial safety code, in about one half of the states there is no such setup as we have, and they have to wait two years to change something that could obviously be changed next week. Some terrible accident happens and everybody points his finger at it saying that that is because so and so wasn't done, or this should be done. In California we can get together and revise our regulations so it will never happen again. In most states they have to wait two years for the Legislature. That is just one advantage that we have.

20
21 MR. BROWN: Do you think there could be some efficiency if these things
22 were put closer together, for example the complicated rules by the fire
23 versus the rules and regulations you might set up?

25 MR. SCHARENBERG: As I have already stated, outside of city limits
26 there usually is a fringe of very very undesirable buildings rating all the
27 way from shacks to class four hotels, and they are a fire hazard, and my
28 friend, Mr. Yockers, and myself are both interested in that subject. I
29 thought maybe we ought to get together and merge the thing. Whenever you
30 want to merge anything, beware. It is a very serious matter, very serious.

32 CHAIRMAN STEWART: We will all agree with that statement. Here we are
33 particularly concerned with complaints that are made that if I am a con-
34 tractor and I am going to build a hospital or build a manufacturing building
35 and my architect and structural engineer do everything that they think
36 should be done and then they come along and get the building almost completed
37 and there is a matter of public safety involved there and industrial relations
38 promulgates a few rules, which they know nothing about.

40 MR. SCHARENBERG: We don't send them from one division to another.
41 When they come along we get the division chiefs together. They are always
42 there full time, and we don't tell the contractor when he comes to one
43 division to go to the other one or send him around the building. We don't
44 do that.

45 CHAIRMAN STEWART: I recognize you try to do things efficiently. There
46 is a question in the minds of many people, Mr. Scharrenberg that there should
47 be some act, some legislation that would simplify this matter so they won't
48 have to go around so many places. Maybe every department isn't run like
49 yours. I know you try to do that because I have had some contact with your
50 department. I know I'm not shoved from one place to another. You try to
51 give me the answer, but I would like your opinion expressed before this com-
52 mittee, if in your opinion there is in your vast experiences anything that
53 could be done. I would like you to have somebody take this resolution and
54 see if there is anything you can offer this committee at some future date that
55 might stop these overlapping jurisdictions that exist between your department
56 possibly and the fire marshal or the health department.

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4 MR. SCHARENBERG: One thing could be done and that is give greater
5 authority to the Housing Commission.
6

7 CHAIRMAN STEWART: A lot of people think they have got too much now.
8

9 MR. SCHARENBERG: They haven't any. They are purely advisory. You
10 take a look at the Labor Code and all it says is that they may do this and
11 they may do that. We have tried to do that also in the Legislature.
12

13 CHAIRMAN STEWART: Take Pasadena, don't you have the local building
14 superintendent or the fire chief or some department of our city government
15 enforce your rule down there?
16

17 MR. SCHARENBERG: Our Housing Code?
18

19 CHAIRMAN STEWART: Yes.
20

21 MR. SCHARENBERG: Pasadena has its own, hasn't it?
22

23 CHAIRMAN STEWART: Yes.
24

25 MR. SCHARENBERG: You enforce your own.
26

27 CHAIRMAN STEWART: If we have conflicts you usually iron that out
28 with our department?
29

30 MR. SCHARENBERG: Conflicts between who?
31

32 CHAIRMAN STEWART: You and our own department?
33

34 MR. SCHARENBERG: We don't go in there. If you have a minimum code,
35 we never come in unless you ask us. We have too much to do around the
36 Pasadena area.
37

38 MR. BROWN: But, you will come in as far as the hotel is concerned?
39

40 MR. SCHARENBERG: In incorporated cities?
41

42 MR. BROWN: Yes.
43

44 MR. SCHARENBERG: No, only if we are asked to. We haven't a staff--
45 we couldn't do it if we wanted to.
46

47 MR. BROWN: Well, the fire escapes and that phase.
48

49 MR. SCHARENBERG: With respect to fire?
50

51 MR. BROWN: I mean, don't you have one under your industrial--O'Brien
52 up in Sacramento, doesn't he work on hotels and things inside of incorporated
53 areas?
54

55 MR. SCHARENBERG: If Mr. O'Brien is called in to look over a hotel, he
56 will do it, but not otherwise, but on the outskirts of Sacramento there is
plenty of work. We have some very very bad conditions outside the City line.
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4 MR. BROWN: But I personally know Mr. O'Brien has contacted dozens of
5 hotels in northern California and told them they had to do thus and so or else.
6

7 MR. SCHARRENBERG: To the best of my knowledge, the most harmonious
8 relations exist between the Sacramento building inspector and Mr. O'Brien.
9

10 MR. BROWN: I didn't mean to imply the city of Sacramento. I meant
11 other cities in that area with respect to fire escapes, plastering basements
12 or closing up flues and things like that. I thought your department had
13 control over that under its regulations under the section on auto courts
14 and things like that.
15

16 MR. SCHARRENBERG: Within incorporated cities?
17

18 MR. BROWN: Yes, within incorporated cities.
19

20 MR. KROEGER: You still would if the city failed to come up to your
21 standards.
22

23 MR. SCHARRENBERG: Oh, yes, I have stated that.
24

25 MR. KROEGER: I think that is the point. There may be some doubt
whether the city standard is up to the state.
26

27 MR. BROWN: If the city gives me a permit to build a hotel and I build
28 it under that permit and it is all okeh in 1935, can your department come in
29 in 1950 and say, "We don't like the way this is done. It is true they built
30 it under the permit of 1935, but today we don't do that."
31

32 MR. SCHARRENBERG: No, sir, not under the Division of Housing. Mr.
33 Yockers might step in there. We do on the outside of incorporated cities,
34 yes, there is where we have most of the very very unsanitary and unsatisfactory
35 dwellings and hotels located.
36

37 MR. KROEGER: Mr. Scharrenberg, if that hotel that Mr. Brown speaks of
38 is not now up to state standard, because the city involved has not brought
39 its code up to the state standard, would the state inspector then go in?
40

41 MR. SCHARRENBERG: No, it would not. But, I don't think you gentlemen
42 realize that we are called in all the time. We have some men on our staff
43 that seem to know a little more than those that are hired by the little towns,
44 and we are called in and we want to be cooperative. That is what we are
45 there for and that leads to the idea we are butting in and horning in, but
46 we don't.
47

48 MR. KROEGER: You could conceivably be called in by a local official
who didn't want to take the heat locally?
49

50 MR. SCHARRENBERG: Yes.
51

52 MR. BROWN: If the thing is built under a permit--I know you can do it
53 in elevators. You just can't have any employees come in the building unless
54 you get it fixed. You can use the building but you can't have the people in
55 it, but under your hotel, I thought maybe you did that in the same way.
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4 MR. SCHARENBERG: Elevators, boilers, and such things come under
5 industrial safety and there again with respect to boilers, it is only where
6 there are men employees.

7 MR. CONRAD: Any place with a boiler would have to have some employees.
8

9
10 MR. SCHARENBERG: That is right. If a farmer out in a hay field has
11 a boiler and nobody is employed but himself, that is all right.
12

13 To return to the idea of creating some responsibility and authority in
14 the division of housing. There could be a substitute plan by creating a
15 commission of housing composed of chiefs or heads of divisions. However, I
16 have been talking with the governor a number of times and we haven't arrived
17 at any conclusion or he hasn't. I don't like to submit anything here without
18 his approval because, after all, that isn't the way things are done. We have
19 talked about it a number of times. In fact under this administration was the
20 first reorganization of the department that ever took place. It just
21 lumbered along and it is quite likely we will meet again in Sacramento and
22 the governor will submit another outline all in the interests of efficiency
23 and economy.
24

25 MR. BROWN: Well, that is what this committee is supposed to be doing.
26

27 CHAIRMAN STEWART: Yes. I'm going to ask you to have that report
28 digested, both of them, so that you can go over it and--
29

30 MR. SCHARENBERG: Yes, I shall.
31

32 CHAIRMAN STEWART: I wish you could have been here yesterday. Your
33 representative was here yesterday and he notified us you were away, but, Mr.
34 Scharrenberg, it is the consensus of opinion that everybody we contact
35 agrees something has to be done somewhere along the line to clarify the
36 overlapping of these jurisdictions, yours and Mr. Yockers, and so on. Mr.
37 Yockers is here. He was a valuable witness for us yesterday. He recognized
38 something should be done. We don't want to have to come to see you to get
39 these regulations. We want them somewhere so that everybody can find them.
40

41 CHAIRMAN STEWART: Any other questions of Mr. Scharrenberg? Does anyone
42 in the audience want to make any comment?
43

44 MR. KRAMM: I might point out a pretty fair example of what we have
45 been talking about. Mr. Scharrenberg has complained that the housing
46 authority doesn't have enough authority, and I believe, as I understand it,
47 Mr. Scharrenberg, they are in charge of the motels, resorts and farm housing
48 and that sort of thing.
49

50 MR. SCHARENBERG: The housing commission in the division of housing
51 is purely advisory. They meet and they talk about what should be done.
52

53 MR. KRAMM: You have a housing code of some sort?
54

55 MR. BROWN: That is in the statute. Motels and all that stuff is
56 right in the law.
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4 MR. KRAMM: That is correct, and we have had instances in the past
5 where it's been called to our attention that there is nothing in that law on
6 electrical installations except some vague language that says that it will
7 be put in in a safe and workmanlike manner. That is about the size of it.
8 And representatives from your own department whom I have talked to have
9 complained very bitterly that they are up against a wall. They can't do
10 anything about seeing that a proper electrical installation is put in because
11 there is no code.

12
13 MR. SCHARRENBERG: Who is making those complaints?

14
15 MR. KRAMM: Certain people in your department.

16
17 MR. SCHARRENBERG: We have an electrical safety code, and we are right
18 now in the process of revising it. That code was adopted by the industrial
19 safety and provides for all the things you have in mind.

20
21 MR. KRAMM: That is the electrical safety orders, but so far as motels
22 are concerned where people are living in them, that does not come under the
23 electrical safety orders because people are not employed in thos buildings.
24 There is no code to take an auto court on the outside of Sacramento and make
25 it conform. There is no code that requires a certain standard of installation
26 because all that you have is some language that says it will be safe, but
27 you have no code to go to. The contractor who figures a job such as that--
28 it depends on what kind of conscience he has. He can figure how low a cost
29 he can have and put in the fixtures accordingly. Likewise in residences that
30 people live in on farms. We know because it is common knowledge that some
31 wire jerker goes out and puts in any kind of job that will get by. You can't
32 pin him down and say it isn't safe because you have no code that has been
33 adopted which refers to his case. That is the example I'm pointing out here.

34
35 MR. SCHARRENBERG: All right. We will go to the Legislature as I
36 stated and try to improve that thing. The assembly passes a bill and the
37 senate puts it on the hook or vice versa, so what are we to do. If we send
38 more than two men up there to lobby, then we are being called on the carpet
39 for spending all the state money sending lobbyists up there.

40
41 MR. KRAMM: If the provisions of the electrical safety orders, which
42 are the law on industrial and commercial structures where people are employed,
43 could be made to apply to that type of housing, your problem would be solved.
44 You would have a code. Maybe it wouldn't be the most suitable code for that
45 particular work, but you would have a standard you could hold people to.
46 Unless you can spell it out in much language, you can't hold anybody to
47 anything. So far as the electrical safety orders are concerned, that presents
48 a problem, too, because the electrical safety orders apply only after people
49 are employed. Mr. Scharrenberg has a very competent group of inspectors, but
50 they can't do anything until people are employed on that job. They can go
51 into a job that has been wired according to the plans and specifications
52 which were submitted to the contractor in accordance with the provisions
53 of the national electrical code or whatever local city code applies, and they
54 can go in there and say, "You got to take this out," but they can't go in
55 until after people are employed.

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4 MR. BROWN: They can't go in on an advisory capacity and say, "You can
5 do so and so."

6
7 MR. KRAMM: I don't think they have time to go out.
8

9 MR. SCHARENBERG: They have no authority.
10

11 MR. BROWN: I say advisory. I'm going to build a building with four
12 thousand people employed, tell me how many wires I have to put in. Would
13 you say, "Wait until you get the four thousand people there and I will tell
14 you?"

15 MR. SCHARENBERG: Obviously if there is no one employed, we have no
16 jurisdiction.

17 MR. BROWN: If I come in and ask you. I am the owner. I say, "I'm
18 going to have four thousand people employed in this building. I want you to
19 help me out." Can't you do that?

20 MR. SCHARENBERG: To the best of our ability we try to do that.
21

22 MR. BROWN: I just wondered. I think any builder that wanted to build
23 would certainly want to find out as much as he could. He would be foolish
24 to build and then come in.

25 MR. KRAMM: Look at the position of the electrical contractor. He is
26 presented with some plans and specifications and he is to figure the job. He
27 wants to get this job. He is not going to run over to Mr. Scharrenberg's
28 office and say, "How should I put it in." He is thinking that he wants to
29 get that job and he wants to have a low figure, and he is going to figure it
30 quickly and if there is something in that that needs correction, he will go
31 back to the builder and say, "This is not figured in accordance with the law.
32 We want a change order in it. You will pay us for the difference in cost."
33

34 MR. BROWN: The only fellow that is going to complain is the owner of
35 the building. He is the one that ought to get busy and find out what he is
36 going to use the building for. If I were building a building I would certainly
37 find that out.

38 MR. KRAMM: You can speak as to the architect on that.
39

40 MR. BROWN: The contractor got his pay. They like to have it ripped
41 out so they can put it in again.
42

43 MR. KRAMM: All I'm trying to point out is the problem that you do have
44 variations in codes. You've got your electrical safety orders which
45 make certain requirements. A contractor could have put in a job in accordance
46 with the local code or national electrical code, whatever may apply, and it
47 would not be in conformance with the state electrical safety orders, which
48 incidentally when they were adopted in '34 they were outstanding and set a
49 pattern for improvements in the national electrical code since. Unfortunately
50 that is a long time ago and here sixteen years later we are still having
51 hearings on electrical safety orders to get them brought up to date once
52 again.
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MR. SCHARRENBERG: We are doing that right now, sir.

MR. KRAMM: I know that, and I believe it is approaching the national electrical code, that they are coming closer together in their thinking, which, of course, will help eliminate costly confusion.

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10 CHAIRMAN STEWART: Anybody else have any comments to make? Mr. Scharrenberg, do you have anything else you want to say to the committee?

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15 MR. SCHARRENBERG: No.

16 CHAIRMAN STEWART: Gentlemen, if there is nobody here that wants to speak or has anything else to offer, we will adjourn. (Thereupon the meeting adjourned.)

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Hearing of The
INTERIM COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY
STATE OF CALIFORNIA

----oo----

Held in
State Building
Los Angeles, California

----oo----

October 26, 27, 1950
10:00 O'clock, A.M.

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2 THURSDAY, OCTOBER 26, 1950, 10:00 O'CLOCK, A. M.
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8 CHAIRMAN STEWART: The meeting will come to order. I will in-
9 troduce the members of the committee that are here:
10 Mr. John Collier, Assemblyman from Los Angeles County; Mr. Ralph Brown,
11 Assemblyman from Stanislaus County; Mr. William S. Grant of Long Beach;
12 Mr. Charles Conrad of Hollywood; and I am A. I. Stewart.

13 This is Mr. Louis Kroeger, the expert for the committee. I
14 assume you gentlemen in the audience all know what this resolution con-
15 templated when it was passed by the Legislature directing the Committee
16 on Governmental Efficiency and Economy to make a study of overlapping
17 jurisdictions in constructing buildings. This resolution should inter-
18 est the building superintendents, architects, construction engineers and
19 so on. In fact, it is a matter of interest to all interested in any type
20 of building. We had a meeting yesterday with the city managers of the
21 State of California, and I was more impressed by a statement of one gen-
22 tleman who said this is a vital problem because if the overlapping juris-
23 dictions could be eliminated it would probably save the people of the
24 State of California one hundred million dollars.
25

26 It is a very vital subject, and we are very happy that you
27 are here. I will introduce Mr. Louis Kroeger of Kroeger and Associates
28 who has been doing the research on this problem. Mr. Kroeger.
29

30 MR. KROEGER: Mr. Chairman, the Committee has heard the re-
31 port before that I would like to make now, but for the benefit of those
32 who are attending the hearing and whose views are desired on this sub-
33 ject, I think I should repeat it briefly.
34

35 I assume that most of you have already read our second pro-
36 gress report, which forms the basis for these hearings. The first im-
37 portant point about that report is that we have assumed for purposes of
38 these hearings that it has been determined that there is confusion and
39 duplication and overlapping in this field of building regulations. The
40 evidence seems to be pretty complete. We have had no testimony before
41 the committee nor were we able to discover in the course of investiga-
42 tion that there was anyone who disagreed on that issue.
43

44 I told the city managers yesterday that we have three brief
45 findings: (1) Everybody agrees that there is duplication and over-
46 lapping. (2) Most people agree something ought to be done about it.
47 (3) Practically nobody agrees with anybody else upon what
48 should be done about it.
49

50 It is that latter point to which this committee is particu-
51 larly addressing its efforts.
52

53 The confusions with which we are concerned can be grouped into
54 four categories. First, there are those cases where there are confu-
55 sions and duplications within the cities themselves, such as overlapping
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4 jurisdictions and conflicts between local fire departments, health de-
5 partments, building and safety departments and other agencies within
6 the cities. That probably is of less importance and less concern to
7 this committee, which is studying the problem to decide what needs to
8 be done through state legislation.

9
10 The second area in which there are conflicts and duplications and
11 overlappings is in the relationships between the cities on the one hand
12 and the surrounding counties on the other hand. That problem has two as-
13 pects, one the case where the cities and the surrounding counties may
14 have different code provisions and thereby create confusion for build-
15 ers.

16
17 The other and more serious problem in many part of the state that
18 we have regulation within cities, but no regulation at all in surround-
19 ing county territory with the result that unrestricted, unregulated build-
20 ing is growing up in areas immediately adjacent to cities, which will some
21 day be annexed to the cities and will become their problem.

22
23 The third problem with which we are concerned and about which there
24 is conflict and duplication and overlapping is among the agencies of the
25 state itself.

26
27 There are some ten or fifteen different agencies of the state--it
28 depends on whether you count whole departments or separate divisions--
29 that are concerned in one way or another with building regulations either
30 in some specialized field or in a very general field touching on build-
31 ing construction. The state does not itself have the counterpart of the
32 local building department. There is no central authority in the State
33 of California to coordinate that activity of the several state depart-
34 ments in the field, and the result is that there is a considerable amount
35 of overlapping and duplication.

36
37 And then the final problem and in many ways the most serious problem
38 is that of conflict in jurisdiction and overlapping of regulations as bet-
39 ween the state on the one hand and local jurisdictions on the other.

40
41 Those are the various aspects of the problem with which this com-
42 mittee is concerned. We are trying to find a solution in terms of some
43 means by which an administrative organization can be established or legis-
44 lative steps can be taken to clarify the fields of interest in this pro-
45 blem and to eliminate thereby the duplications and confusions that exist.

46
47 Now, in the second staff report we made a proposal for the purpose
48 provoking discussion. It does not constitute a recommendation on the
49 part of the staff which has assisted the committee, and it certainly
50 does not necessarily represent the views of the committee as to what the
51 answer on this problem may be. This is a proposal for discussion only.
52 We would like testimony before the committee to be addressed to this
53 solution or any alternative solutions that you want to offer rather than
54 to have your testimony simply be along the lines that a confusion does
55 exist. I think that is pretty well accepted.

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4 A proposal is that a state agency be established for the purpose of
5 unifying all of the rule making aspects of the job; and that the enforcement
6 of building regulations on the other hand be made the complete re-
7 sponsibility of local government--a complete separation of rule-making
8 on the one hand and enforcement on the other.

9
10 The proposal does not go into great detail yet as to how any such
11 state agency would be constituted. The proposal certainly admits and
12 acknowledges that it is not desirable to set up still more bureaucracy to
13 deal with this problem. The proposal simply offers that as a taking off
14 point for discussion.

15
16 Perhaps it would be helpful to add a brief summary of testimony
17 thus far received by this committee to show you the trend of the think-
18 ing in previous hearings.

19
20 The Committee held two days of hearings in San Francisco. The tes-
21 timony received can be summarized as generally stressing the importance
22 of taking a first step by having the state coordinate its own activities
23 in this field. There seems to be a great concern on the part of all
24 those who appeared that the first approach be to get the state better to
25 coordinate its own activities.

26
27 Now, there was difference of opinion among those who testified as
28 to whether that coordination should be effected by extending the commis-
29 sion of this interim committee to study the problem or whether a temporary
30 administrative board of some sort should be created to do it, or a tempor-
31 ary study committee be created.

32
33 There was also difference of opinion as to whether any resulting state
34 building regulations should be put into effect by statute or should be a
35 matter of administrative regulation.

36
37 Now, Mr. Chairman, we have the problem posed. I would like to re-
38 peat again the suggestion to those who are going to address the committee.
39 That the committee is pretty well convinced there is a field of confu-
40 sion and duplication here, and that we are not interested in long state-
41 ments in support of that fact. We are more interested in finding an
42 answer, and I want to say, as far as my own suggestion on the matter is
43 concerned, once again it is offered for purposes of discussion, to be
44 kicked around. It has been pretty well kicked around already. I don't
45 mind you kicking it as much and as far as you want.

46
47 CHAIRMAN STEWART: Thank you, Mr. Kroeger. We have a list of people
48 who have requested to be heard, and the first one is the Chief of the
49 State Division of Dairy Service, Mr. O. A. Ghigoile.

50
51 MR. GHIGOILE: Mr. Chairman and members of the committee, my name
52 is O. A. Ghigoile. I am Chief of the Dairy Service, California Depart-
53 ment of Agriculture. We perhaps are involved in a minor way in the build-
54 ing program.

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4 We do have jurisdiction over buildings on dairy farms where market
5 milk is produced which are established by law insofar as the director
6 has the authority to provide plans and specifications for these types
7 of building.
8

9 You might be interested to know how we work that. We are required
10 to supply these plans and blueprints at cost to producers, but since we
11 do not have facilities for blueprinting and draftsmen, we have an agree-
12 ment with the University of California through the Agriculture Dairy Di-
13 vision which has for the past forty or fifty years been making these
14 plans. They have been accepted as our agents to draft these plans and
15 they are available through the University of California Extension Ser-
16 vice at Berkeley. There is no conflict in my opinion between our re-
17 quirements as compared with any other state agency. The law makes it
18 definite that any building plans that are approved by the director of
19 agriculture must be accepted as standard by all cities and counties in
20 the state. The details of the building plans are formulated by regula-
21 tion. They are not in the law proper, and I am in favor, if a central
22 agency is set up, that the right to establish plans and regulations and
23 specifications be left to regulate rather than to legislation.
24

25 My reason for that is that an emergency may arise whereby changes
26 must be made. We had the experience during World War II where there
27 were not sufficient dairies to provide market milk. Building materials
28 were difficult to obtain, and we had to modify the regulations in order
29 to provide sufficient milk for the armed services.
30

31 In the case of manufacturing milk plants, the law merely says that
32 the barn be constructed of certain materials with proper ventilation,
33 light and so forth available. We do not have any specific rules on that,
34 just a general provision of law, but we do require by law that the plans
35 and blueprints be submitted to the director for approval. We don't go
36 into construction too much in the plants, other than the sanitary fea-
37 tures, sufficient light and ventilation, proper drainage, and floor slope
38 and sewage disposal.
39

40 The cities and counties have accepted that pretty well. I believe
41 the only difference or conflict between our regulations and cities and
42 counties are in areas where earthquakes exist. The city requires more
43 reinforcements in buildings.
44

45 There is no conflict in plumbing between city, state, and counties,
46 although we do not establish definite plumbing requirements for dairy
47 buildings and milk plants. That is entirely left to local authorities.
48

49 CHAIRMAN STEWART: Could I ask a question? Are your rules and
50 regulations published, or do you just announce what the rules are?
51

52 MR. GHIGOILE: They are published as Article 22 of the California
53 Administrative Code.
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4 MR. BROWN: Do you hold hearings when you make up your rules and
5 regulations?
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7 MR. GHIGGOILE: Yes, since the new procedure went into effect, but
8 these rules were drawn following the 1937 Legislature when the law was
9 placed under statute. We had to get a set of rules out which would be
10 satisfactory to the majority of cities. At that time each city had its
11 own rules and no building requirement so we held a series of meetings
12 throughout the state for a period of eighteen months before we agreed
13 on the set we now have in effect, and the original regulations are
14 practically the same as they are today.
15

16 MR. BROWN: One more question. I didn't understand you a minute
17 ago. You stated if the Legislature took over or formed some new agency,
18 what did you want to happen? Your rules and regulations to be adopted
19 by the Legislature or retained by you?
20

21 MR. GHIGGOILE: I would rather have the rules retained as a regula-
22 tion. In case of emergency we can call hearings and make changes and not
23 wait for sessions of the Legislature.
24

25 CHAIRMAN STEWART: In other words, if a condition arises that you
26 think the rules and regulations that your Department had adopted need to
27 be changed, you want to make the changes right in your own office?
28

29 MR. GHIGGOILE: To take care of the situation immediately after
30 hearings, of course.
31

32 MR. BROWN: Your Department makes rules affecting what type of
33 buildings--you didn't make that clear?
34

35 MR. GHIGGOILE: Milking barns and milk houses on dairies producing
36 market milk.
37

38 MR. BROWN: Only market milk?
39

40 MR. GHIGGOILE: Yes, sir. We have made recommendations only for
41 dairy farms producing manufacturing milk. They have only the recommenda-
42 tion. There are no rules and regulations.
43

44 CHAIRMAN STEWART: Any other questions?
45

46 MR. KROEGER: May I ask a couple of questions? How feasible do you
47 think it would be to have some coordinating body in the state govern-
48 ment which would take the regulations that agriculture has on dairies and
49 that education has on schools and so forth and so forth and consolidate
50 them into a standard code? You would still have your voice in that,
51 but that over-all agency would coordinate and eliminate any possible
52 conflict.
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54 MR. GHIGGOILE: I can see no objection to such codification pro-
55 vided the agency close to the field is still permitted enforcement and
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4 the carrying out of the provisions.
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6 Now, in a couple of dairy buildings and milk plans there is a lot
7 more to it than putting up a building. We have to go out and locate
8 the site of each milk plant that is built, and each milk house and dairy
9 farm because of the prevailing winds, drainage and so on, and then there
10 is considerable sanitary matters that are taken care of by sanitary
11 engineers according to the sanitation law, in putting up a dairy farm
12 building.
13

14 MR. KROEGER: There is one other thing you said that I would like
15 you to clarify. I understood you to say that in your opinion there are
16 no conflicts between your regulations and local regulations; yet you
17 went on to say that when you approve a set of plans they became final
18 and binding. Do you mean to suggest by that that you might have ap-
19 proved dairy plans that include structural features and standards that
20 could be in conflict with some local regulation, but that conflict
21 isn't very real because your authority overrides the local authority?
22

23 MR. GHIGOILE: That is correct.
24

25 MR. KROEGER: In one sense there still is a conflict--that is,
26 there could be an inconsistency in those regulations?
27

28 MR. GHIGOILE: No, because as far as the structure and the building
29 goes they cannot request any deviation from the approved plan except like
30 I said in counties with earthquakes and that type of condition where they
31 do require heavier enforcement, rather reinforcing.
32

33 MR. KROEGER: There could be local regulations that are not as
34 stringent as you have enforced in that locality, and in that case your
35 more stringent regulation comes into conflict with the other and also
36 goes into effect?
37

38 MR. GHIGOILE: That is right.
39

40 MR. KROEGER: If a local situation requires more stringent regula-
41 tion on some feature, would your approval have the effect of diminishing
42 the local requirement?
43

44 MR. GHIGOILE: They could come up. In Tulare and Kern Counties,
45 the building inspector up there at first insisted that all plans of dairy
46 buildings be submitted to their office for approval. I believe Tulare
47 County requires a little heavier re-enforcement of the roof structure
48 in the buildings. We met with the building inspector and discussed the
49 matter with the District Attorney and the District Attorney gave the
50 view that since the state has a specific law on dairy farm buildings,
51 that the county inspector should accept those standards.
52

53 MR. KROEGER: Even though the local standard is more stringent in
54 that case?
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MR. GHIGOILE: That is right. In the Los Angeles, Riverside, San Bernardino and Orange Counties, the building inspectors are leaving the construction of dairy farm buildings entirely up to the milk inspectors.

MR. KROEGER: Well, wouldn't you say then that there is a conflict there? It is an easily resolved conflict because your authority steps in and overrides the local authority, but there really is a conflict?

MR. GHIGGOILE: There is some minor conflict, yes.

MR. KROEGER: And it is the multiplication of just that sort of thing that we are trying to find an answer to here through a consistent and uniform set of regulations.

CHAIRMAN STEWART: Any other questions? Let me ask you this question. Are the regulations in Imperial County and Tulare County exactly the same regard to dairies?

MR. GHIGGOILE: Yes, sir.

CHAIRMAN STEWART: Suppose that Tulare County restrictions require more re-enforcing in their structures, and they don't require as much in Imperial County, what do you do about that?

MR. GHIGGOILE: Nothing.

CHAIRMAN STEWART: You don't pay any attention?

MR. GHIGOILE: That is right, as long as the plans are approved by the Department. If the local conditions require something additional which doesn't change the sanitary conditions--

CHAIRMAN STEWART: Didn't I understand you to say your rules and regulations are statutory?

MR. GHIGOILE: No.

CHAIRMAN STEWART: The rules are made in your department?

MR. GHIGGOILE: That is right.

CHAIRMAN STEWART: You promulgate them after you hold hearings over the state and your department has decided that those are the best rules to govern the operations of a dairy for market milk?

MR. GHIGGOILE: That is correct, yes, sir.

CHAIRMAN STEWART: Any other questions?

MR. GRANT: Did I understand that even though the local regulations are more stringent or severe, that the state regulations take precedence over the local?

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4 MR. GHIGOILE: The law specifically says that any plans or regu-
5 larations approved by the director must be accepted as standard by all city
6 and county inspectors.

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8 CHAIRMAN STEWART: That can only come after your department has
9 approved thos specifications.

10
11 MR. GHIGOILE: That is right.

12
13 MR. BROWN: You said milk services. How about the county's build-
14 ing department?

15
16 MR. GHIGOILE: We do not contact the county building department.

17
18 CHAIRMAN STEWART: If a man wants, in Imperial County or Riverside
19 County, to go in the dairy business, wants to start up new, where does he
20 get his instructions on how to operate, how to correctly build?

21
22 MR. GHIGOILE: Contact the local milk inspector, contact our office,
23 or the Sacramento office or the University of California at Berkeley and
24 they will send them at cost--a complete set of regulations.

25
26 CHAIRMAN STEWART: I would like to get your answer on this question
27 about these rules and regulations that you promulgated. If I want to
28 start in the dairy business anywhere in this state, where do I get those
29 rules?

30
31 MR. GHIGOILE: Either through the local inspector or through our
32 offices. They are available.

33
34 CHAIRMAN STEWART: This is the only place they are available?

35
36 MR. GHIGOILE: Yes, sir.

37
38 CHAIRMAN STEWART: That answers the question I asked. Thank you
39 very much, Mr. Ghigoile. The next gentleman is Geoffrey A. Boyd, Chief
40 of the Meat Inspection Bureau Department of Agriculture.

41
42 MR. BOYD: I am Geoffrey A. Boyd, Chief of State Meat Inspection,
43 Sacramento. In the State of California there are three types of meat in-
44 spection service, federal meat inspection, state meat inspection, and ap-
45 proved municipal meat inspection. Section 305 of the agricultural code
46 requires that all plants slaughtering animals for human consumption and
47 preparing meat products for human consumption shall operate under one of
48 these inspection services.

49
50 This law is mandatory in cities with a certain population or more.
51 There is no conflict between any of the meat inspection services, federal,
52 state and municipal. Federal inspection is conducted in plants doing an
53 inter-state business or supplying the armed forced with meat; and state
54 inspection is conducted in plants under state inspection and municipal
55 inspection is conducted by municipal inspectors.

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4 However, the State Department of Agriculture has supervision over
5 the state approved municipal plants and the state rules and regulations
6 are followed in those plants.
7

8 Section 315 of the Agriculture Code gives the director of agri-
9 culture authority to make rules and regulations for the inspectors for
10 the enforcement of meat inspection in state and state approved plants.
11 That section also provides that the rules and regulations that the direc-
12 tor adopts comply so far as is possible with the rules and regulations
13 of the federal meat inspection service. Our rules and regulations--
14

15 CHAIRMAN STEWART: Pardon me, is that in regard to buildings?
16

17 MR. BOYD: That is in regard to everything.
18

19 CHAIRMAN STEWART: Well, the committee is not interested in the
20 inspection of meat as such, but we are interested in what develops if a
21 man wants to build a plant, and that is the point that we want.
22

23 MR. BOYD: Yes, they pertain to that, too, Mr. Stewart.
24

25 CHAIRMAN STEWART: The rules are made in the Department of Agricul-
26 ture?
27

28 MR. BOYD: They are made by the Department of Agriculture and are
29 adopted after a hearing as provided by the administrative procedures act
30 and they are a part of the Administrative Code.
31

32 In these rules and regulations which are known as the California
33 Meat Inspection Regulations there is a provision that blueprints for all
34 meat plants shall be submitted to our office for correction and approval
35 before the meat plant is constructed. We check these plans for sani-
36 tary features and we have certain requirements that we insist upon be-
37 fore we approve the plants such as concrete floors, cement plaster walls,
38 and we insist on features that make the plant easily susceptible to
39 cleaning. Our requirements are generally listed in the meat inspection
40 regulations, but only in a general way, and they are published in detail
41 in a special publication of the department--some sanitary aspects of meat
42 plant inspection.
43

44 CHAIRMAN STEWART: Will you file that with the committee?
45

46 MR. BOYD: I would like to give you a copy of our meat inspection
47 regulations.
48

49 CHAIRMAN STEWART: Only if it covers buildings.
50

51 MR. BOYD: This covers buildings only in a meager way. We have
52 found that very few conflicts occur in building codes in the construction
53 of meat plants. Where conflicts have occurred they have been ironed out
54 amicably to the satisfaction of all parties concerned.
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4 There is a conflict between the state government and local authorities
5 in the toilet requirements for industrial plants. I don't think there
6 is any place in the state law that specifies how many toilets there
7 must be installed in a plant for the number of employees. Our re-
8 gulations, which follow closely those of the federal government, re-
9 quire at least one toilet for every twenty-five male employees and one
10 toilet for each twenty female employees.

11
12 Now, in the Department of Industrial Relations, I think in their
13 regulations or some administrative code they require one toilet for each
14 ten employees.

15
16 Now, if a state building code is adopted, why we want to point out
17 that that is one feature that should be corrected. We would follow any
18 suggestion that is laid down.

19
20 Now, there are some few conflicts between the Bureau of Meat In-
21 spection on the one hand and municipal building codes on the other hand.
22 They have to do principally with plumbing and they go beyond our require-
23 ments. For instance, in San Jose, their building code specifies that a
24 floor drain cannot be farther than five feet from any wall. Well,
25 evidently that is for the purpose of venting the drain, but it is cer-
26 tainly a rule that interferes with the sanitary construction of a floor.
27 We require a quarter of an inch pitch to each foot of the floor towards
28 the drain and where a drain is located so close to the wall why the pitch
29 from the near wall is so great as to create a hazard there, a health
30 hazard.

31
32 Our requirements are that one drain shall be established for each
33 one thousand square footage of floor area. That permits a drain to be
34 established sixteen feet from a wall and then our floor pitch can be the
35 same all over.

36
37 Another conflict that occurs in this is the requirement that grease
38 interceptors be installed in sewage lines between the plant sewage system
39 and the main municipal sewer. We require this in all of our plants and
40 it is fine when it can be located outside of the meat plants.

41
42 However, in some of the crowded metropolitan areas of the state,
43 especially in Los Angeles and San Francisco, it is difficult to find
44 any place where you can put that grease interceptor outside of the plant,
45 and its incorporation in the room of the plant, we feel, creates an un-
46 sanitary condition, and we would like to see such a thing done away with
47 if possible.

48
49 CHAIRMAN STEWART: Any question by any member of the Committee?

50
51 MR. COLLIER: I would like to ask one question, Mr. Chairman.
52 You are speaking of these grease traps and you don't see why we should
53 have grease traps. Why were grease traps installed in the first place
54 in these drains?

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4 MR. BOYD: Well, it is a requirement of the City Building Code.
5

6 MR. COLLIER: Why?
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8 MR. BOYD: To intercept the grease presumably.
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10 MR. COLLIER: Well, undoubtedly the grease traps were first specified because there was some kind of an unsanitary condition prevailed that caused the stopping up of the sewers.
11
12

13 MR. BOYD: I think that is the idea, to prevent the grease from washings of the floor or from a table or a sink of that kind from getting into the city sewerage system.
14
15

16 MR. COLLIER: You don't subscribe to that?
17
18

19 MR. BOYD: I think they are fine in larger plants, but some of these smaller plants that are confined just to a city lot, I think sanitation is best served by eliminating the grease trap in such places. We haven't done it because that is the requirement that goes beyond us.
20
21

22 Ordinarily in those instances, why we get together and decide that it is best for all concerned to eliminate a thing like that, but we have the same problem every time a new building comes up or a building is being remodeled for a meat plant.
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25 CHAIRMAN STEWART: Any other questions, gentlemen? Mr. Kroeger,
26 have you anything?
27
28

29 MR. KROEGER: No, I haven't.
30
31

32 CHAIRMAN STEWART: Thank you very much, Mr. Boyd. The next gentleman is Mr. Gilbert Morris, Superintendent of Building, Los Angeles.
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35 MR. MORRIS: Mr. Chairman, members of the Committee, I think I have met all of you gentlemen at some time or other. First, I would like to say that I compliment the Committee on the work so far done and the choice of the man you have working on this, and on the report. I think that we have made a start on it, and I agree with Mr. Kroeger on most everything that he has in the report. It is a question of how to accomplish the final result. On the details of it we might vary slightly, but not a great deal.
36
37

38 I speak for the Department of Building and Safety of the City of Los Angeles. When I leave, I have a copy of written comments and a letter of transmittal to give you. I am also on the Los Angeles Chamber of Commerce Construction Industry Committee, also a committee of Pacific Coast Building Officials Conference, and I might say that the Chamber of Commerce and the Building Officials Conference and myself are more or less in agreement.
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4 CHAIRMAN STEWART: Mr. Morris, will you advise the committee what,
5 in your opinion, is the cost to the people of California for this over-
6 lapping.
7

8 MR. MORRIS: First I might qualify my experience. In my depart-
9 ment we handle approximately six hundred thousand people a year who come
10 to my public counters for information on building construction and for
11 permits, and we regulate actually over a period of years millions of
12 dollars worth of construction, as much as three or three hundred fifty
13 million a year.
14

15 Very large concerns come to us, for instance, representatives of
16 the Statler Hotels. They come many years before they actually build be-
17 cause they want to know what the regulations are. We can tell them very
18 definitely what the regulations are as far as the city is concerned, but
19 we cannot speak entirely for the state. We attempt to keep up with all
20 the state regulations as far as we can and enforce them so as to provide
21 a convenience for the builder, the architect, the engineer, and the own-
22 ers, but it is quite a problem.
23

24 Now, the Statler Hotel will say to me, "Well, what are the regu-
25 lations?" We don't know as far as the state goes. Now, we have these
26 state agencies, some of them have the power to create retroactive rules
27 and regulations, which they do, which might cause an owner like the
28 Statler Hotel, say after he has finished the job and is operating, in a
29 few years from now, it might cost him a hundred thousand dollars or five
30 hundred thousand dollars additional due to the whim or the change of
31 opinion or idea of any one state agency. Now, this is the uncertainty.
32 It is an uncertainty which they have to provide for.
33

34 Now, going from us to the various state agencies, finding out what
35 these rules and regulations are by either the owner, the architect, the
36 engineer, the builder, takes time which is in turn reflected in the cost
37 of the project.
38

39 Now, some of these rules and regulations are excessive. Some of
40 the state laws are obsolete, and they are not modern and up to date and
41 they increase the cost of building. The whole thing, the uncertainty on
42 some of these projects have taken as long as a year to secure approval
43 from the state. We can approve a twenty-five million dollar project in
44 our department, check the structural features for earthquake and sani-
45 tary conditions, occupancy, fire standards, and everything in say a mat-
46 ter of two weeks or three weeks, maybe a month, but now when they have to
47 go from one state agency to another to find out what these rules and
48 regulations are and whether our requirements conflict with the state or
49 there is conflict among ourselves, it takes time, which means money.
50

51 I have made an estimate that the building public is paying unneces-
52 sarily an addition of say approximately twenty million dollars a year, and
53 do they secure better buildings, do they secure safer building or more
54 sanitary buildings?
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4 I would say, "No." They secure a building that is not as good as they
5 would if it was concentrated or the thing was clarified under one juris-
6 diction.

7 When you split responsibilities, immediately you do not secure the
8 maximum or the best condition. Any split responsibility immediately pro-
9 duces that condition, but the cost is hidden, but this cost of chasing
10 the architect, the engineer, the contractor is tremendous. It is not only
11 a cost to the builder, but it is also a cost to the state agency, the state
12 government in trying to unravel this pattern which immediately you have it
13 unraveled it becomes all tangled up the next day again.
14

15 It costs the state money. It costs the cities money to try to keep
16 this thing unraveled and give the taxpayer the true picture or the builder,
17 and it probably is costing twenty million dollars a year. I think that is
18 a conservative figure.
19

20 MR. KROEGER: Is that state wide or just in the city of Los Angeles?
21

22 MR. MORRIS: That is state wide, and it is so unnecessary and you do
23 not get value received. If you would get twenty million dollars better
24 construction or safer buildings or more sanitary buildings, fine, but you
25 do not. All of this you can see by sitting here and talking to the vari-
26 ous state agencies that each one dabbles a little in the building con-
27 struction with their own rules, and what a terrific complicated problem it
28 is for a builder or architect or engineer. Of course, sitting in the city
29 position, we get paid for it, see, but the architect and the engineer and
30 the builder pay through the nose.
31

32 CHAIRMAN STEWART: Any questions of Mr. Morris?
33

34 MR. GRANT: You tell me it takes a year to get a building approved
35 sometimes by the state, and if so, what happens in the interim?
36

37 MR. MORRIS: The job is dormant. It doesn't go ahead till the plans
38 are approved. The greatest delay in the past has been in securing approval
39 of hospitals from the State Department of Health. That has been the
40 greatest complaint.
41

42 MR. GRANT: You mean on the building?
43

44 MR. MORRIS: Well, the building hasn't been started on one hospital
45 I have in mind. There are some other comments I would like to make before
46 this committee if it is all right to go ahead.
47

48 CHAIRMAN STEWART: Yes, Mr. Morris.
49

50 MR. MORRIS: We will go along with Mr. Kroeger on the matter of ap-
51 pointing on the state level somebody to correlate or to codify the rules
52 and regulations and laws. We think that should be done and the first thing
53 that should be done is to correct that. We do not go along with the idea
54 of a new state agency. I think it is wrong.
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4 I think it is a path of least resistance which has proven so in the past.
5 Particularly is this true in the federal administration where they create
6 another agency to end other agencies. It doesn't work out that way. You
7 appoint a commission and set it up with only limited powers, and the his-
8 tory and the pattern in the past has been that this commission gets a
9 little more appetite gradually little by little, and eventually builds
10 itself into a bureau. I don't think it is desirable and I don't think it
11 is necessary.
12

13 We would go along in appointing a commission if the personnel of
14 that commission was defined by law and was properly manned with people
15 who know what they are doing, people who know the problem, have had ex-
16 perience, and also that the tenure of that was defined. It should be for
17 a limited tenure.
18

19 CHAIRMAN STEWART: How long have you been building superintendent
20 of the City of Los Angeles?
21

22 MR. MORRIS: Approximately ten years. We will go along with that.
23 I think the League of California Cities suggested that Mr. Kroeger do the
24 correlating. Personally I think Kroeger is capable of doing it, and I
25 think it could be done in a most economical manner by a man like Kroeger
26 and his staff.
27

28 The real problem--I would like to point out this, that from what I
29 have heard of the testimony and talking and hearing people testify, that
30 so many are confused that we think the real problem is--the problem of
31 differences of ordinances between cities is a very minor problem and is
32 becoming more minor as the years go on due to the work of Pacific Coast
33 Building Officials Conference in securing the adoption of its uniform
34 building code.
35

36 The real problem is the one where the state superimposes these
37 rules and regulations and laws over city ordinances. That is where the
38 real problem is, and I think Mr. Kroeger agrees with me--I notice he
39 stated a while ago that was the case, but we mustn't lose sight of the
40 fact that that is the real problem and it is so unnecessary and so costly
41 and so confusing. Another point I would like to make is that we do not
42 subscribe to rules and regulations. I think rules and regulations of
43 governmental agencies are all right in certain cases, certain categories,
44 certain places.
45

46 But, it should not be applied broadly. It is a patch of least re-
47 sistance. I think the State Legislature has erred in delegating its
48 legislative power down to state agencies. I think the State Legislature
49 should retrieve and retain the power to make law, and that only should
50 rest with the Legislature. Penal ordinances, regulatory ordinances, and
51 building ordinances, gentlemen, affect the prosperity of the entire state.
52 Don't let anybody ever tell you anything else, and they should be done
53 under firm control. Any state controls or regulations should be under
54 the Legislature.
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4 CHAIRMAN STEWART: Are the building laws of the city of Los Angeles
5 under the control of the city council?
6

7 MR. MORRIS: That is correct. I believe that is true in every city
8 in California. We believe in home rule. We believe in home rule. We
9 believe that the State Legislature in granting city charters to the vari-
10 ous cities have set up the principle of home rule. It is applied, it is
11 expressed, and it is set forth in there to have home rule, and I think to
12 maintain our democratic form of government that we should do everything
13 we can to help that home rule because to regulate people from a far dis-
14 tant point is neither practical or economical and it is contrary to our
15 fundamental concept of democracy.
16

17 If that continues, what happens? It goes to Sacramento. And from
18 Sacramento it goes to Washington and eventually we have nothing but a
19 dictatorship.
20

21 CHAIRMAN STEWART: You are referring particularly to building or-
22 dinances?
23

24 MR. MORRIS: Well, that is all I am qualified to speak of.
25

26 CHAIRMAN STEWART: Any question by any gentleman of the committee.
27

28 MR. COLLIER: Using the Statler Hotel as an example, you say that
29 the Statler Corporation submitted plans to your department for approval?
30

31 MR. MORRIS: That is correct.
32

33 MR. COLLIER: And suppose that the state agencies approve it also,
34 and after that building is constructed, I believe you made a statement
35 that then the state agencies can come back and make retroactive rules and
36 regulations to cause them to go ahead and to renovate the building after
37 being constructed, is that right?
38

39 MR. MORRIS: That is right.
40

41 CHAIRMAN STEWART: Any other question? Thank you very much, Mr.
42 Morris, and do you want to file that with the secretary? Thank you very
43 much. (Mr. Morris filed his prepared comments with the committee.) Mr.
44 Roland Craven, Building and Safety--I presume that is of Los Angeles?
45

46 MR. CRAVEN: My name is Roland Craven with the Los Angeles City De-
47 partment of Building and Safety.
48

49 Mr. Morris has, of course, expressed the views of the Los Angeles
50 Department of Building and Safety pretty completely. I would like to add
51 a point or two.
52

53 One point is the reason why rule making authority leads to all this
54 difficulty. It is a matter of obligation and duty, I think.
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4 As far as I know the Legislature has no obligation to regulate anything
5 if they don't want to. The minute the Legislature authorizes a depart-
6 ment to obtain a safety building rule, or a safe place of employment and
7 obligates that department to obtain that, then that department is under
8 obligation to regulate everything in sight. They have to.
9

10 I think you expect all the state departments to do their duty and
11 they certainly do their duty when it comes to enacting regulations. But
12 the fundamental point there is that it is their duty to regulate everything.
13

14 Now, if the Legislature retains this as a matter of legislation, it
15 certainly is not their duty to regulate anything that appears to be unde-
16 sirable, either economical or socially. You can use your own judgment, but
17 your departments cannot use their own judgment. They are obligated to
18 regulate everything that is necessary to obtain a safe building, we will
19 say.
20

21 For that reason I think that sometime you are going to have to with-
22 draw the rule making powers from all your agencies. Otherwise it builds
23 to a point where it becomes oppressive, as you can see. It is quite evident.
24 It doesn't get better. It gets worse.
25

26 Now, if you establish another commission to make more rules, I don't
27 see how you can expect any improvement. It merely adds to the heap. I would
28 like to make that point, that that is the fundamental difference between a
29 law enforcement agency and a legislative body, that the legislative body
30 regulates that which they think is desirable, but an enforcement agency is
31 obligated by your statutes to regulate everything under their jurisdiction.
32 This contributes to the mass of legislation which is also a heavy burden
33 upon the industry, of course, that probably is a little outside of the
34 difficulties due to overlapping jurisdictions, but I believe you could well
35 give some thought to the pure weight of the mass of regulations applied to
36 building construction.
37

38 I took a look at the shelf over in the library the other day just to
39 get an idea. The Administrative Code itself is about three feet across.
40 You measure it in feet, not in pages.
41

42 And I would just emphasize those two points. It would be a great
43 thing if you could do something about the mass of legislation and the re-
44 storation of legislative authority to the legislative body and not have a
45 State Legislature and then eight or ten junior legislatures. That is all.
46

47 CHAIRMAN STEWART: Any questions?
48

49 MR. KOREGER: Well, there is only one point in connection with this
50 rule making that seems to me we have to keep in mind. I'm not going to
51 argue the point, but I think the committee should keep it in mind. It ties
52 in a point Mr. Ghigoile made--the difference between the kind of a pro-
53 blem you have in a city where your legislative body is always present.
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4 The charter of the city of Los Angeles requires the council to meet at
5 ten o'clock every morning, as contrasted with the Legislature which meets
6 in a session where it can act on matters of this sort only every two years.
7 Do you think that the nature of construction building regulations, that
8 is that part of them which would be a proper subject for state regula-
9 tion is such that they can stand a two year lag?

10
11 MR. CRAVEN: I think they can stand a longer lag than that, Mr.
12 Kroeger. Generally we find that when we arrange for a hasty amendment to
13 the building code, we make a mistake. The question of a national emergency
14 is somewhat different. I think that laws took a terrific beating one way
15 or other during the last war regardless whether they were statutes or
16 rules and regulations.

17
18 MR. KROEGER: Well, take the earthquake which precipitated the
19 legislation on school structures--the legislature happened to be in sess-
20 ion at that time so we got prompt action. Suppose it hadn't been; do you
21 think the state in some way or another could have met that problem? Per-
22 haps I can anticipate the answer--you would say the local governments
23 would have met the problem.

24
25 MR. CRAVEN: I'm not sure either would have met the problem, but I
26 would insist that the legislative body had its choice of whether they
27 wanted to meet the problem or not.

28
29 CHAIRMAN STEWART: Do you have any conflicts or have you had with
30 the Department of Industrial Relations in regard to occupancy of a build-
31 ing that might have been built last year for a specific purpose and then
32 becomes occupied for another. Are the Department of Industrial Relations'
33 rules and regulations codified or do they issue them from the director of
34 the department?

35
36 MR. CRAVEN: They are codified in sections as far as I meet them.
37 They have elevator rules and electrical rules and boiler rules, which are
38 separate documents, and they do conflict with our building construction
39 code in many respects, so it becomes necessary for us to be in constant
40 contact with them in order to save the builder the inconvenience.

41
42 CHAIRMAN STEWART: Do you know of any condition that comes under
43 your observation where a building may be used for a different purpose
44 than it is built and the Department of Industrial Relations come in and
45 say what shall be done to that building if you are going to have this type
46 of occupancy and does that conflict with the rules that you might have
47 in the City of Los Angeles?

48
49 MR. CRAVEN: It may. The rules do conflict. The change of occu-
50 pancy will require compliance with the local code for that change and
51 also with the state code. However, I believe their inspection service is
52 not nearly as extensive as ours and the owner may not find out about it
53 until sometime later, and in that case he is required to make two sets of
54 alterations sometimes, which is an unnecessary cost.

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4 CHAIRMAN STEWART: Thank you. If there are no further questions,
5 we thank you very much, Mr. Craven.
6

7 CHAIRMAN STEWART: Is someone here from the State Department of
8 Industrial Relations?
9

10 MRS. CLARK: My name is Florence Clark. I am from the State Divi-
11 sion of Industrial Welfare. In speaking here today I don't want to refute
12 anything Mr. Scharrenberg said, but there are some local problems which
13 we thought should be called to the attention of the committee.
14

15 As you gentlemen probably know, our division enforces working con-
16 ditions for women, which include sanitary regulations, particularly the
17 toilet facilities for women and women employees. Sometimes the condi-
18 tions change since the place was built, and then we come in and say they
19 have to add facilities which may not be in accordance with the building
20 regulations at the time they built them. One of the big problems that
21 we have is that occasionally facilities are installed in this area
22 which provide no privacy at all for the women. Apparently that is not a
23 violation in any of the other codes, and the construction has been ap-
24 proved by the Health Department and the Building Department and then we
25 come in and tell them they have to change it, which is rather embarrass-
26 ing.
27

28 The other problem that I thought you gentlemen should know about
29 is our regulation concerning the number of toilet facilities for women.
30 We require one for fifteen at the lower levels and one for twenty-five
31 when there are over one hundred women. I believe, although somebody
32 from the city department can probably correct me on this, I believe the
33 city proposes to have one for fifteen, an over-all ratio. Now, we think
34 you should consider that if you are making any state-wide regulations,
35 because frankly we feel we know more about what the ratio should be
36 since we are concerned with that all the time. We think at higher levels
37 there could be fewer facilities, and with the present regulations the
38 city would have a conflict when it gets over one hundred people. We
39 think you should be aware there is a certain amount of overlapping bet-
40 between our division and some of the city building departments.
41

42 However, our working relations are very good. We have a lot of
43 conferences with them.
44

45 MR. BROWN: Do you advise the local city building department of
46 some of your regulations so that they know them and can tell the people
47 that are building?
48

49 MRS. CLARK: They have copies of our orders. They are printed like
50 this and they are sent to all employers, but the unfortunate thing is
51 they are not sent to prospective employers, that is, the new employer would
52 not know about it.
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4 MR. BROWN: I mean the contractors. The employer is coming into
5 a building, but I was thinking of the contractor himself.
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7 MRS. CLARK: We have tried to disseminate our information as much
8 as possible and have contacted organizations which give out all that in-
9 formation to contractors. I think at one time they have put articles
10 in their papers urging all contractors to know about it. We try very
11 hard to have everyone know about it. We are disturbed when we find a
12 new construction has gone up which does not comply, but it does happen
13 and we think that the main problem is that the employer who changes his
14 facilities, or a new employer, does not know about us and he is not told.
15 That is the unfortunate thing. We would like very much to have some
16 system whereby they would know ahead of time. We don't like to make
17 them change their construction.
18

19 MR. BROWN: Are you going around now making retroactive changes?
20

21 MRS. CLARK: We must do that. The Attorney General said it is our
22 responsibility to see that the women work under conditions which the com-
23 mission has set forth. It doesn't matter if the building was built many
24 many years ago or not. They just can't work under those conditions. We
25 find a place with two hundred women and two toilets. It doesn't make any
26 difference when he started there, whether ten years ago or not, we have
27 to make him put in proper facilities.
28

29 MR. BROWN: You come under the health phase police power and so
30 forth?
31

32 MRS. CLARK: Yes.
33

34 MR. BROWN: They can still use the building and not have any women
35 in it?
36

37 MRS. CLARK: That is what happens, but of course, it isn't too
38 easy to tell an employer he has to move.
39

40 CHAIRMAN STEWART: Will you file one of those with the secretary,
41 please?
42

43 MRS. CLARK: May I point out that the sanitary requirements are
44 the same in all of the orders of the commission. I can file any one of
45 them, but from section 220 for example, they will all be the same.
46

47 CHAIRMAN STEWART: In other words, the contractor or the owner has
48 to get that to know what the rules are that have been adopted by your
49 organization, doesn't he?
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51 MRS. CLARK: That is right. They are also filed in the adminis-
52 trative code.
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4 CHAIRMAN STEWART: Any other questions, gentlemen? Thank you very
5 much, Mrs. Clark. (Mrs. Clark filed with the Committee a copy of rules
6 and regulations of her division.) I see General Fox is here now. We
7 are glad to have you appear and give us the benefit of your advice.
8

9 GENERAL FOX: Well, Mr. Stewart I'm very happy to be here.
10

11 CHAIRMAN STEWART: Give us your title, General.
12

13 GENERAL FOX: Chief engineer, Department of Building and Safety,
14 County of Los Angeles. I think, gentlemen, that I can summarize and
15 crystallize the pertinent points of our difficulties in administering and
16 and enforcing building regulations in this fashion--I probably should
17 preface my remarks by stating that our job in Los Angeles County is
18 unique in that it probably comes closer to typifying a cross section of
19 most of the problems that are encountered through the state in building
20 enforcement and administering of building regulations. By that I mean
21 that we have everything of a metropolitan character involving multiple
22 story buildings such as in West Hollywood; we have a major industrial
23 district involving major industrial buildings on the east side; we have
24 sixty-nine unincorporated communities varying in character from a very
25 highly developed residential community like Flintridge and Altadena to
26 the modest rural communities like down in Puente and Bellflower; and
27 even the very humble type of development like in the East Los Angeles so-
28 called Belvedere where there is a great deal of destitute people.
29

30 In addition to all that, we have a vast valley of desert area that
31 poses the same type of rural problem in terms of farm buildings, desert
32 construction, that you would have in the most remote portions of the
33 state.

34 I have been head of the department through its existence. The de-
35 partment was created right after the earthquake of March 10, 1933, and it
36 is through our experience that we have had probably as good a laboratory
37 to ascertain to what degree building regulations could be regimented into
38 what might be called a standard building code that could be used univer-
39 sally regardless of station and regardless of the territory.
40

41 We can carry that analogy down further and we know in drafting a
42 uniform building code nationwide taking into consideration the conditions
43 in Texas as against those in Maine climatically pose problems which the
44 draftees of the building code must reckon with, so the matter of devel-
45 oping a uniform building code in which many of us have been engaged for
46 twenty years or over is not an easy one. I have been actively working
47 with it for twenty years and incidentally working on it as a member of
48 the uniform code committee of Pacific Coast Building Officials Confer-
49 ence for over seventeen years, and it is more of a task than is realized
50 at first blush.
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52 We have gained tremendous strides and I believe I can dispel here
53 and now any of the thoughts that have sometimes engendered into these
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4 conversations that there is lack of uniformity in the building codes in
5 the State of California. I believe that your group will find, as we have
6 found, that the uniform building code as used by the vast majority of
7 cities in the state and by our county of Los Angeles, is the best and
8 soundest document that ever was written, and I believe could possibly be
9 revised to regulate building construction in a wide variety of circum-
10 stances to gain minimum safety and sanitation and protection against
11 the sizable disturbances which are peculiar to our terrain on the west
12 coast.

13
14 Furthermore through the vehicle of a non-political and actually
15 non-official body, the so-called Pacific Coast Building Officials Con-
16 ference, which acts as a forum for discussion of the many changes that
17 always occur in anything like a building code, it must be fluid. It must
18 be so drafted that it can readily be adapted to newer methods of con-
19 struction, new materials, and changes which occur through development of
20 society, and our wide range of climatic conditions, and it is through
21 this medium that the officials and the material men and the engineers
22 and architects have day by day opportunities and exercise opportunities
23 in keeping this alive and an operating code so that through a whole year
24 these discussions go on and are threshed out, and the code is amended,
25 but it is amended right across the board so that all jurisdictions using
26 it get the benefit of those changes. The only one having a vote on the
27 changes are the officials themselves. It gives the material man an op-
28 portunity to be heard, but for rather obvious reasons they have finally
29 after many years agreed that they will have opportunity to present their
30 case but not an opportunity to vote, so they can't gang up, for the simple
31 reason that later that must be adopted by legislative bodies of cities.
32 They could, of course, direct their authority directly to a non-official
33 representative such as material man and professional man and so on.
34

35 Consequently we have no problem as far as having a good base to work
36 with that covers the length and breadth of building regulations from the
37 humblest home to a skyscraper, and the wide variety of problems we have
38 in the county of Los Angeles.
39

40 But, we do have a problem, gentlemen, which we would term, for lack
41 of better words, either intervention or the injection on to the local
42 home rule government, state jurisdiction by its many many complex bureaus
43 which have grown and grown to where we are confused.
44

45 When a bureaucrat is confused, that is a pretty sad situation.
46 They do a pretty good job of confusion themselves in the natural course
47 of events. We have tried to work it out with the state bureaus, but
48 they are so numerous they themselves don't know what the other fellow is
49 doing, it appears from our observation.
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51 It seems these bills and laws and rules grew by problems which
52 occurred in the unincorporated areas and a law was passed, I presume to
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4 be enabling regulations and then it was enforced by a state bureau, and
5 I take the view as a public servant and as one interested in proper gov-
6 ernment structure that if it is better that the state exercise complete
7 jurisdiction over buildings, that is over building of homes, and they can
8 do it with greater dispatch and greater efficiency, they should occupy
9 the field exclusively, and we should get out and close our doors.

10
11 On the other hand, if it can be done more efficiently and with
12 less expense and meet the problem and talk to the people involved on a
13 local level, it should be done there, and the state should get out. The
14 two should not occupy the same field at the same time and have jurisdic-
15 tion over the same things.

16
17 It is neither economical nor is it conducive to good feeling on the
18 part of public servants, and that situation is growing so rapidly that we
19 are meeting continuous resistance and now in many cases it is reaching
20 the breaking point. I believe rural communities that don't have the same
21 protection that those of larger communities have, that the state activi-
22 ties could be confined to them only.

23
24 I might add in an examination of state regulations there is no such
25 thing as a comprehensive set of building regulations in any of these
26 bureaus or in them collectively. They sporadically and piecemeal clutch
27 certain portions of the building regulations. They may deal with various
28 ways of exit, but the rest of it must be relegated to local authority as
29 it was intended to regulate the things at the local level.

30
31 So all of these regulations from the state seem to serve as a ter-
32 ribly annoying thing, and I believe that it can be consolidated. If it
33 is worthy of the Legislature passing those laws, they can enable the
34 local authorities to do it or make it mandatory that they do it, but I
35 take the stand, gentlemen, one agency should handle building construction
36 from the foundation to the last shingle in the roof and not have a con-
37 vention of inspectors confuse the issue.

38
39 I think that states the general view, and I will be very glad to
40 answer any questions.

41
42 CHAIRMAN STEWART: Any questions?

43
44 MR. COLLIER: I would like to ask the General one question. You
45 stated that you don't have any problems so far as the county is concerned,
46 and the only problem you have is where the state agencies impose them-
47 selves upon local authorities. Now, can you point out specific instances
48 where the state agencies have imposed themselves upon the local authori-
49 ties?

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51 GENERAL FOX: Yes, sir. The State Fire Marshal is very much in-
52 jected into the local level, that is, his department is by rules which he
53 develops through this rule making power. This rule making is a vicious

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4 thing, gentlemen, because no one knows what the rules are going to be that
5 will be dreamed up by these various bureaus, so we get a lot of regulations
6 coming down by rules on theaters, their exits, and so forth, also on state
7 housing, on apartment houses.
8

9 The State Housing Act, I think, admittedly is an obsolete document,
10 and the fact that the Legislature is the only one that can change it, why
11 it becomes frozen, it becomes static, it doesn't meet the problem be-
12 cause the Legislature meets only every two years, and furthermore it is
13 very difficult for them to go into all these details. It is very dif-
14 ficult from the local level to keep it alive.
15

16 MR. COLLIER: Now, what other state agency?
17

18 GENERAL FOX: The State Division of Architecture in the matter of
19 schools duplicate what is done on the local level, the director of in-
20 stitutions does the same regarding sanitary conditions, and so on. Those
21 are the main ones. There are a lot of others. I should add one more and
22 that is the Industrial Accident Commission regarding electrical regula-
23 tions and incidentally they create most of their legislation by rule. We
24 don't even know what they are many times and they are changed without
25 notice with no public hearing on them. And in many cases, although I
26 think the law does provide procedure for public hearings--
27

28 MR. COLLIER: Are they in writing, the rules these agencies make?
29

30 GENERAL FOX: Yes, we eventually get them in writing, yes, sir.
31

32 MR. BROWN: I would like to ask a question. For example, the fire
33 marshal's situation that you mention. Now, he covers two situations, one
34 where the building may be in the process of construction, and second where
35 it is already constructed.
36

37 GENERAL FOX: I have no quarrel with any fire marshal on the polici-
38 ing of buildings. I'm confining my remarks to first construction. I
39 think first constructions, structural matters, no fire marshal has the
40 knowledge or experience to determine what should be done structurally.
41 He may advise the same as an architect may advise us on what should be
42 done, but on how to do it, that is an engineering matter and is not within
43 the province of the fire marshal.
44

45 MR. BROWN: You divide that into two categories?
46

47 GENERAL FOX: Yes, sir, maintenance--even on a local matter, for in-
48 stance on a theater, we may see that a theater is correctly constructed
49 regarding exits and ramps and spacing of seats, then the owner may come
50 along and block an entrance by astove. I have seen them change things
51 and block exits. The fire marshal can come along and tell him he has to
52 leave the exit open or in such condition that it can be used, but it is
53 not his job to tell him how to do it. He can say, "That exit must be re-
54 opened in accordance with section so-and-so of the Building Code." So
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4 there is one law you go to for your source of information rather than
5 numerous documents.
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7 My inspectors have as many as twenty-seven documents they have to
8 read to make sure that a simple building complies with all the regula-
9 tions of bureaus and departments and agencies and commissions and so
10 forth, and he is more a librarian now than an engineer.
11

12 MR. CONRAD: I just want to ask one question. Assume we follow your
13 idea and eliminate a great deal of your state jurisdiction. Would there
14 be any possibility of political competition among the localities in the
15 event you had slackening off of employment? In other words, would there be
16 any possibility of some community over here saying, "Boys, let's make it
17 pretty easy for a person to put up a building and then we will get more
18 business to our city and we will take business and employment from City B
19 which has a stricter set of regulations," and without an over-all state
20 picture to adjudicate there might be competition that will lessen stand-
21 ards because of need of employment.
22

23 GENERAL FOX: The best answer to that, sir, is to tell you what
24 actually has occurred in the past. Years ago when there was no such thing
25 as a uniform building code and every city dreamed up its own building code,
26 there was a chaotic condition, and I think probably that gave rise to some
27 state intervention then that was justified because that was a terrible
28 situation. No contractor could tell in Pasadena what he would have to do
29 to build in an adjoining town. But since that time we have had the
30 growth and development of this uniform building code and the value of
31 uniformity is so powerful, it is so much to the advantage of the contrac-
32 tor and by the way, even the inspector. We have to read this code and to
33 know it and it is better for them to know a code that has a uniform in-
34 terpretation. They go to school so to speak in these many conferences
35 which they attend every week or so to learn the latest interpretations,
36 maybe from a city like Los Angeles or the county of Los Angeles. A build-
37 ing inspector from Culver City will learn a great deal from us and we are
38 glad to share with him. Where he has one case of a certain problem we have
39 a hundred. So in these conferences we learn something about their prob-
40 lems and they learn from us. So the premium placed on uniformity is so
41 powerful there is no inclination to depart from that and lean to the
42 situation you speak of. That would be such a small advantage compared
43 to the advantage of uniformity that the tendency is not to do what you
44 say.
45

46 MR. CONRAD: That is an advantage to the prospective employer. In
47 other words, one city could go to a prospective employer and say, "It
48 would be easier for you to build a place in our community than in B."
49 Would that have any effect upon him?
50

51 GENERAL FOX: All it would do is penalize the city because when
52 they do, the city gets a bad name and usually insurance rates go up as a
53 consequence. The insurance company lands on the city and says, "You've
54 got a bad risk," and they finally begin to find out the trouble and they
55 boot that fellow that made that offer out on his ear and get someone in
56 that has some sense.
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4 MR. COLLIER: General, you said you are very much in favor of the
5 uniform building code. What recommendations do you have to this com-
6 mittee as to how we can improve the present code.
7

8 GENERAL FOX: The state code?
9

10 MR. COLLIER: The state code.
11

12 GENERAL FOX: Sir, I think the first job is to codify all of your
13 ramifications of various regulations of the various bureaus into one
14 document where it will be accessible to us builders and compel those de-
15 partments to continue to lodge those changes as amendments to that code
16 rather than bring these surprises on us when a building is half done and
17 out jumps a state man and says, "This doesn't comply with our rule con-
18 cocted yesterday." It is embarrassing and the builder doesn't know who
19 to turn to for final approval. We have to give a certificate of
20 occupancy.
21

22 I will give you an illustration. This is true and yet it has a
23 little bit of humor to it. I recall a theater that was being built down
24 here in the South Huntington Park area, and they are a costly affair, and
25 like most of those owners he probably borrowed all he could to build it
26 and then he had his big premier day. All the people were gathered be-
27 cause he had a certificate of occupancy as complying with every law we
28 knew of. Then out jumps a man in a white hat out of a car, a fire mar-
29 shal deputy and says, "You can't open this theater." He says, "Why not,
30 I've got a certificate of occupancy." He says, "You haven't got my ap-
31 proval."
32

33 We check their plans and building against the law, but we can't
34 run a crystal ball and know what is in the minds of these numerous
35 bureaus that cook these rules up by themselves and have their own inter-
36 pretation. And if you multiply those interpretations by the number of
37 bureaus alone, even if they were uniform, it would still pose a problem.
38 I say a mere act of codification will be revealing. You have some of the
39 problem on the state level of which you are not aware and I doubt if some
40 of those bureaus are aware. We are on the receiving end and we get the
41 impact of them.
42

43 MR. LINCOLN: I didn't hear the beginning of your statement, but I
44 have three points that seem to me to be the meat of the coconut so to
45 speak, and I would like to ask you if you are in agreement with them.
46 First, as you have just outlined, we should correlate existing and future
47 state regulations in one book under one head; secondly, we should set up
48 a minimum criterion wherein a local jurisdiction, if it came up to certain
49 standards, would be relieved of supervision by the state; and third, we
50 should further encourage the wider adoption of the uniform building code.
51

52 Are you in agreement with those three points?
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4 GENERAL FOX: I certainly am most enthusiastically. I think that
5 would be a very good beginning. In the many conferences we have had on
6 this subject with the building officials and with your consultant who has
7 been gracious enough to attend our meeting recently, I think that he will
8 report to you that all of us seek the best solution.
9

10 We haven't any canned solutions. We find that the problem is so
11 complex that to go beyond those three points in trying to anticipate the
12 final pattern is a dangerous thing.
13

14 For instance, it was suggested in some of the earlier discussions
15 that there be created a building department in the state. That is just
16 one more bureau and to me that is a dangerous thing and I would urge that
17 that not be done until the codification is done and that additional in-
18 formation in your hands will point the way to what the ultimate solution
19 is.
20

21 I am frank to say after living with it a good many years and confer-
22 ring with a lot of other men who have lived with it as long or longer, we
23 are not sure the ultimate solution--what it might be. We believe if we
24 take it step by step and correct the obvious errors first that is the safer
25 thing because we are dealing with a great industry. Building is a big in-
26 dustry in California and to disturb its equilibrium would be a serious
27 thing.
28

29 I would urge caution so that any step we make is a step for improve-
30 ment rather than to further complicate it. All these inspectors who are
31 trying to carry out the rules and regulations are taking all they can take
32 and we want to relieve rather than further burden or make their work more
33 complex.
34

35 I happen to run a school. I run a school every week. My boys have
36 to go to a school every week just to keep up on changes. They spend an
37 hour of their time and we give them an hour of our time and they are com-
38 pelled to go. They must be college graduates to get a job in the depart-
39 ment. They must have a certificate of construction engineer of the
40 highest type. With this training and education, it is still a problem
41 to keep them versed in this cataloging and it's got so voluminous now, as
42 I say, it's a job that makes him a librarian as well as a technician.
43

44 These state regulations have got us bogged down and we want relief.
45

46 CHAIRMAN STEWART: Any other questions? We thank you very much,
47 General, for coming and giving us the benefit of your counsel.
48

49 That is all we have listed on the schedule. There may be somebody
50 that wants to testify. Is there anyone in the audience that would like
51 to give the committee the benefit of their information?
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4 MR. LINDSAY: I would, sir. My name is Walter Lindsay. I represent
5 the Associated Plumbing Contractors of Los Angeles. I have listened for
6 the last hour and a half to the various gentlemen and I want to say now
7 that I personally, and I am sure that my association would back up General
8 Fox and Gilbert Morris in everything that they said. We are badly in need
9 of a uniform building code, a uniform plumbing code, uniform electrical
10 code and all the various trades on down the line.

11
12 In traveling around the state and doing work in various cities I
13 personally run into the various codes that are in force in cities sur-
14 rounding Los Angeles, and they do not agree.

15
16 I happen to be in the business of installing plumbing in tract
17 jobs, and sometimes we have a tract that covers fifteen, twenty, thirty,
18 forty acres. Half of the street might be in the County of Los Angeles
19 where we operate under the uniform building code, and the other half
20 could be in the City of Whittier, where we have one type of plumbing on
21 one side of the street and another type of plumbing on the other side of
22 the street.

23
24 The men that wrote the uniform plumbing code have spent years on
25 that. Some of those men have been in the business of inspecting and work-
26 ing for the city and county thirty, forty, and fifty years, and from
27 their experience we have the uniform plumbing code today.

28
29 We go to the small communities around Los Angeles and the inspector
30 will say, "No, we are not operating under the uniform code. We are oper-
31 ating under the old code." That goes back to nineteen hundred and even
32 beyond that. And so we start to question them about the various ways of
33 installing the plumbing and we say, "How do you want the waste installed?"
34 "Well, we will stick to the four inch waste." And for your information
35 the uniform code allows us to put a three inch waste in these GI bungalows.
36

37
38 Then we question him on the water. He says, "Well, give me three
39 quarter inch main." "What about the gas?" "Well, run three quarter to
40 the stove." Well, the uniform code is written in this manner, that the
41 size of the water main is determined by the pressure in the street and
42 the length of the main into the property and the number of plumbing fix-
43 tures on that. That is the way our code is written and that is made up
44 in such a manner that that man will always have water in his house. If
45 we were to follow the method of doing it as the fellow says--putting in a
46 three quarter inch main, the owner of that property in one, two, or three
47 years might find he is not getting any water in his shower head because
48 the line is too small, but under the uniform code it is all figured out
49 for us so he will always be assured water. He might also find he is not
50 getting gas to his furnace because some individual said, "Oh, give me a
51 three quarter inch main."

52 As for the gentleman who spoke about the grease traps and he would
53 like to have them eliminated, that might suit his purpose fine, but the
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4 people that wrote the uniform code found out that where there was grease
5 going into a sewer, it stopped up the sewers. It might not stop it up
6 right in his building, but a hundred feet down the street is another firm
7 and their sewer becomes stopped up over night. They they dig up the sewer
8 and they find it is the grease from up the street that stopped it up.
9 That is all covered in the uniform code.

10 We have to put in those grease traps and we should put them in.
11

12 As for the floor drain, five feet out from the wall, I believe the
13 uniform code would permit a floor drain in the middle of a forty foot
14 room. That is all right. It is sanitary. There is nothing wrong with
15 it, but it is just some individual inspector, one man against say ten,
16 fifteen, or twenty thousand men operating up and down the state. The way
17 it is today, we go into a small town and one man tells us what we can do.
18 If we had a uniform code by the state and by all the cities up and down
19 the coast, I'm sure that we would have better sanitary conditions.
20

21 CHAIRMAN STEWART: Do you have any conflict with state agencies?
22

23 MR. LINDSAY: I can't cite you any instance at the present time. I
24 haven't had any recently.
25

26 CHAIRMAN STEWART: Any other questions? We thank you very much, Mr.
27 Lindsay. Is there anyone else that could talk to us about ten minutes
28 this morning.
29

30 MR. COLLING: I will talk about five minutes.
31

32 CHAIRMAN STEWART: Your name please?
33

34 MR. COLLING: Hal Colling, managing secretary of Pacific Coast
35 Building Officials Conference. First, I want to make the statement to the
36 effect that in the second report there is the reference made to the uni-
37 formity or nonuniformity of the building codes in the different cities,
38 even in the uniform building code cities. That is somewhat true by the
39 fact that we come out with a new edition every three years and it takes
40 the city legislature sometime to approve a new building code and there
41 we have a little conflict probably on minor things only, not on the
42 structural elements of the building.
43

44 It might be of interest to you to know also of plans that are under
45 way through the Pacific Coast Building Officials Conference of putting in-
46 to effect a plumbing code in a third volume of the uniform building code
47 and also an electrical code, which will be promoted throughout the state
48 of California and outside if it is necessary, and we are now in committee
49 work with both the electrical association and the plumbing association to
50 codify the work of plumbing and electrical codes in the State of California
51 to get those things together.
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4 The overlapping that might occur from the state level will be taken
5 into consideration during those committee meetings. I just wanted to put
6 that in the record so that you know the plans that we have in the Pacific
7 Coast Building Officials Conference towards this work.
8

9 CHAIRMAN STEWART: Any questions by any members of the committee.
10

11 MR. KROEGER: There is one question I have been wanting to ask, Mr.
12 Colling, and I think you are a good one to ask. First of all in connec-
13 tion with what you have just said--in addition to the fact there is some
14 lack of uniformity because of the lag in adopting your latest revision,
15 there are sometimes minor variations in the adoption of the code, isn't
16 that true.
17

18 MR. COLLING: That is correct.
19

20 MR. KROEGER: The point has been made several times that those are
21 minor differences, and the fact that they are minor is used as an argu-
22 ment in favor of having them. I want to pose the other side of the
23 question, since they are only minor differences, why should cities bother
24 with them? Is it possible we can hope to get uniform acceptance of the
25 uniform code?
26

27 MR. COLLING: We have been hoping that for many years. During our
28 twenty-eight years of existence that has been our theme, and it might be
29 of interest to you that a resolution was passed at the last meeting in San
30 Diego of our annual business meeting which closes as follows:
31

32 "NOW THEREFORE BE IT RESOLVED that the members of the Pacific Coast
33 Building Officials Conference at their twenty-eighth Annual Business Meet-
34 ing do hereby agree themselves and urge upon other building officials to
35 make every effort in their own governmental jurisdiction to adopt and to
36 follow as closely as possible the latest edition of the Uniform Building
37 Code, to assist in making it truly uniform by exerting their best efforts
38 to improve and standardize said code through active participation in sub-
39 mitting recommended amendments to said code and desisting from amending
40 the code themselves unless it is absolutely necessary."
41

42 MR. KROEGER: I have one other question in connection with this
43 matter of getting up-to-date editions adopted. Is the code adopted
44 locally by reference?
45

46 MR. COLLING: It is adopted by reference.
47

48 MR. KROEGER: Has the legal point been explored to see whether in
49 adopting it by reference they could adopt future editions without further
50 legislation?
51

52 MR. COLLING: Yes, it has been, and it is not legal to adopt any
53 book by reference, which is not in print.
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4 MR. KROEGER: I see. Thanks.
5

6 CHAIRMAN STEWART: Let me ask you a question. In your position
7 with the Pacific Coast Building Officials Conference, have you observed
8 any conflicting rules adopted by state bureaus or agencies?
9

10 MR. COLLING: Well, the most flagrant one probably is the
11 Division of Housing in the State Housing Act. There are a lot of con-
12 flicting rules in the State Housing Act which has been in effect twenty-
13 three years, and has had very very minor revisions to it.
14

15 One of the largest ones is probably the exit requirements for
16 hotels.
17

18 CHAIRMAN STEWART: Do you have any advice to this committee as to
19 what could be done to eliminate those overlapping jurisdictions?
20

21 MR. COLLING: I would concur in the remarks made by General Fox and
22 Gilbert Morris.
23

24 CHAIRMAN STEWART: Thank you, sir. Anyone else like to occupy any
25 time? We meet this afternoon and we will meet tomorrow. Yes, Mr. Morris.
26

27 MR. MORRIS: In exploring this situation, the two points I didn't
28 bring out that I should is that you should keep in mind that the State of
29 New York has adopted a building code. They have set up a commission to
30 write another one and the law there, as I get it, is that the cities are
31 exempt. If the legislative body of the city so decides that they want
32 to be exempt from state legislation, they can, regardless of what regu-
33 lation or what enforcement they have.
34

35 The State of Michigan--the cities are exempt, that is charter
36 cities are exempt from any state legislation in regard to building con-
37 struction, regardless of what laws they have or ordinances.
38

39 Another point to consider is this, that if the cities--to be
40 exempt the cities would have to come up to equal the state level--that
41 point must be examined very carefully.
42

43 Now, a lot of the state laws or rules and regulations are probably
44 not bad. Some of them are very bad. Now, the one that I consider the
45 most dangerous and the most unfair and the most detrimental to the people
46 who build buildings and own buildings, and I'm glad the state fire mar-
47 shal is here because I wouldn't want to say this if he wasn't, but I
48 think the state fire marshal's rules and regulations are the most danger-
49 ous rules and regulations ever concocted by a state agency. I think for
50 a city to go under its own rules and regulations and then have to come up
51 to something he concocted, which we think is not feasible or economically
52 possible and not necessary, is unfair and everything about it is wrong.
53 That won't solve the problem. Now, if we have to come up to something
54 like that, the regulations should be minimum, but not something that some
55 bureau or state agency would dictate.
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4 CHAIRMAN STEWART: Thank you. I want to say that Mr. Yockers, the
5 State Fire Marshal appeared at both meetings in San Francisco and I must
6 say he is one of the most cooperative state officials we have found.
7

8 MR. MORRIS: Personally I think Joe Yockers is as fine a state fire
9 marshal as you will find in the state. I don't subscribe to his program
10 though.
11

12 CHAIRMAN STEWART: I just wanted you to know, Mr. Morris, he is very
13 cooperative and indicated he didn't like to be the judge, the prosecutor,
14 and the writer of the rule. If there are not objections on the part of
15 the committee we will adjourn to meet at two o'clock.
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17 (Thereupon the committee adjourned for lunch.)
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4 THURSDAY, OCTOBER 26, 1950, 2:00 O'CLOCK P.M.
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8 CHAIRMAN STEWART: The committee will come to order. Is Mr. L. U.
9 Jones of the Building Construction Association of California here?
10

11 MR. JONES: Mr. Stewart and members of the committee, my name is L.
12 U. Jones. I am a member of the Building Contractors Association of
13 California and I am on the board of directors of that association, as
14 well as being chairman of the building codes and zoning committee of
15 that association.
16

17 I have an outline here of the thoughts that I have come up with
18 after examining your staff report. I want to go through this outline and
19 give you my thoughts here. They may sound a bit trite because of neces-
20 sity we can't go into too many details in a hearing of this kind, but I
21 believe in starting off, that the analysis presented by the staff of
22 your committee is a reasonably complete one and in most respects a good
23 one. I think that the findings on page 2 of that report are unquestion-
24 ably correct. However, the solutions as suggested on pages six and seven--
25 there are some I do not believe in. Others do not quite cover my idea of
26 the situation in my opinion. I think, however that a combination of par-
27 agraphs six and seven should be the goal of the industry and this com-
28 mittee. To state those objects briefly, I think that the state should
29 have a minimum code to apply anywhere in the state, not just partial
30 coverage as now exists in the State Housing Act for dwellings. I think
31 also that the cities and counties have a right to adopt their own codes,
32 but that the codes which they adopt should embrace all provisions of the
33 state code. Any they should preferably be left unamended by local
34 authorities. I believe-I am speaking for myself and not for the build-
35 ing contractors association-- I am opposed to the establishment of a new
36 agency of state government to administer the interests of the state in
37 the construction industry. I believe that we have too many regulations
38 now, and the establishment of a new agency for that purpose would only
39 lead to more regulations than we now have.
40

41 I believe the state functions in this industry should be strictly
42 limited to health and safety considerations. I also believe that the
43 local governments of the cities and counties have a more diversified re-
44 sponsibility than merely health and safety. The right of local govern-
45 ments to make and enforce regulations in this regard, I believe, should
46 not be undermined or abridged. The Building Contractors Association in
47 California, of which I am a member, as I told you, is committed by reso-
48 lution to work for true uniform codes in this state.
49

50 The term "uniform code" is now used and is a misnomer because of
51 the many amendments which have been made through the course of the years
52 by local agencies to that code. A builder today cannot with any assurance
53 compliance work in one locality and then to another doing the same kind
54 of job in all respects even though the other locality might be merely
55 across the street from his previous job.
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4 Now, the building contractors association, I am sure, recognizes the
5 right of local authorities to amend the code which they adopt voluntarily.
6 The association questions the advisability of so doing. The advantages
7 through not amending, we feel, would far outweigh those gained through
8 amending for all parties concerned. I'm speaking now of the enforcement
9 authorities as well as the planners, the architects, the designers and
10 the builders.

11 I believe that this defect can be remedied by universal voluntary
12 action through the Pacific Coast Building Officials Conference or other
13 such organization. I don't believe that representatives of this associa-
14 tion have contacted the Pacific Coast Building Officials Conference to
15 find out their feeling on this matter, but it is my thought that by offer-
16 ing their code to cities and counties or for use that they might in some
17 way specify that the code was not to be amended in perhaps any respects
18 but those dealing with fees and administration.
19

20 Now, I have a list of recommendations which we could go on here
21 and talk all afternoon about, but here they are for what they are worth.
22

23 I would like to see the state establish a permanent commission to
24 delete all unnecessary state law and outmoded law dealing with this sub-
25 ject. This commission would then codify and modernize the remainder,
26 make it dovetail with the present uniform code or vice versa or a new
27 form which might be arrived at by consultation with Pacific Coast Building
28 Officials Conference and other interests in the industry.
29

30 All conflicts between the state code and the uniform code or what-
31 ever code was agreed upon should be resolved and eliminated-by that I mean
32 that the height of hand rails, for instance, in one code should agree with
33 the height of hand rails and construction of the same in the other code.
34

35 Fire requirements should take essentially the same form.
36

37 This commission should then rewrite the code in the simplest and
38 the briefest form possible into a single document thereby creating a min-
39 imum state building law.
40

41 Then, by common agreement with the industry, the Pacific Coast
42 Building Officials Conference local authorities see that the state code
43 is included in its entirety in any local codes which I do not think
44 would be hard to do. Thereby a builder or planner by conforming to his
45 local building regulations could be sure of compliance with the state
46 law.
47

48 I believe that this commission should be a permanent commission
49 because any such regulations will need amendment from time to time. I
50 do, however, feel that any amendments made should be done at stated in-
51 tervals so that they could be embodied in the so-called uniform code of
52 the Pacific Coast Building Officials Conference and amendments made in
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4 the state code, I believe, should be discussed and agreed upon with of-
5 ficials of the conference so that the combined code would in all respects
6 be up to date, at least every two years or such other interval as might
7 be agreed upon.

8
9 Now, as to enforcement, I believe that the state should provide that
10 the commission be entirely divorced from any enforcement authority. I
11 think that the interested agencies of the state whose regulations would
12 be embodied in the state minimum building code should be given and should
13 be charged with the responsibility of determining whether or not local
14 agencies were combined with their interests in that state, and if not,
15 that some sort of action could be instituted to compel that compliance by
16 local authorities, leaving the state with no direct contact with it or the
17 industry as an enforcement authority.

18
19 I believe that presents the analysis of the problem as we see it in
20 the building contractors association, although as I have said, my remarks
21 have not been cleared through the association and they are purely per-
22 sonal remarks based on the discussions that have taken place in our meet-
23 ings and association activities.

24
25 CHAIRMAN STEWART: In your official capacity connected with your
26 association, have you had occasion to find overlapping jurisdictions
27 that retard the buildings that your people have been constructing?

28
29 MR. JONES: Unquestionably, yes. We have instances of that which
30 crop up. From month to month we have instances where some one of our
31 members has gone ahead in good faith and either done a job or planned a
32 job, proposed to do a job and finds that through some law or interpre-
33 tation of a law which he never heard of, he is prevented from doing the
34 job that he started out to do.

35
36 CHAIRMAN STEWART: Thank you very much, Mr. Jones. The next gentle-
37 man is Vern Hedden.

38
39 MR. HEDDEN: Mr. Stewart, ladies and gentlemen, we brought a pre-
40 pared statement signed by the president of our Chamber of Commerce in
41 Long Beach. I would like to get it before the committee in total. This
42 is addressed to the Interim Committee on Governmental Efficiency &
43 Economy, State Building, Los Angeles, California. (Reading)

44
45 "Gentlemen: We are concerned by the great number of building reg-
46 ulations presently issued by various state agencies, many of which are in
47 conflict with those issued by other state departments and local regulatory
48 bodies.

49
50 "Our board of directors today voted unanimously to urge considera-
51 tion of the following remedial measures at your meeting Thursday and
52 Friday--October 26 and 27:

53
54 "(1) That the legislature instruct the appropriate state department
55 to correlate all existing rules, regulations and laws on building con-
56 struction.

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3 "(2) This correlation to be enacted into law by the legislature to
4 become a minimum state building code. This code already exists in the
5 form of uncorrelated statutes and administrative orders.

6
7 "(3) The resulting code to be inapplicable to chartered cities and
8 counties unless such cities or counties elect to be under state regulation
9 - and provided they have an adequate code of their own as well as neces-
10 sary enforcement facilities.

11
12 "(4) Set up a procedure for determining adequacy of local regulation
13 and enforcement bodies.

14
15 "(5) Provide a procedure for state action against the local build-
16 ing official if he is negligent.

17
18 "These requirements were formulated by our Construction Industries
19 Committee after a thorough study of the problem. One of our chief ob-
20 jections to the present procedure is that it by-passes the legislature.

21
22 "In our opinion, the making of laws and regulations of this type
23 should be the sole prerogative of the legislature. On the other hand,
24 where chartered cities or counties have adequate building codes of their
25 own, together with well organized building departments for their enforce-
26 ment, we believe that the principle of home rule should apply.

27
28 "Finally, and perhaps most important of all, it does not seem rea-
29 sonable to us that an existing problem of overlapping jurisdiction be-
30 tween various departments of the state as well as numerous local agencies
31 can be solved by creating still another state agency with further over-
32 lapping powers. Historically, commissions, once created, tend to grow
33 out of proportion to their usefulness.

34
35 "On this basis we are hopeful that your honorable body will give
36 careful consideration to the recommendations enumerated above.

37
38 "Sincerely yours, (Signed) Fred S. Dean, President Long Beach
39 Chamber of Commerce."

40
41 Those statements therein compromise the opinions of a number of
42 men and agencies.

43
44 Our Construction Industry Committee represents all the organized
45 sections of the construction industry and the city of Long Beach. A num-
46 ber of experienced men, many of whom are well informed and well advised
47 and well experienced in their problems are represented therein.

48
49 Personally I would like to say that I have been intimately connected
50 with the construction industry in Southern California since 1921, and I
51 have at present a different slant on the problem from what many of my pre-
52 docessors. I am engaged in preparing plans. I stand between these govern-
53 mental agencies and the owner, trying to obtain for him what his rights are
54 in the many many conflicting regulations.

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4 Many a time I have seen an owner's interests sacrificed while we
5 fought through a welter of misinformation, lack of proper distribution of
6 these rules and regulations.
7

8 So far as I know, the so-called regulatory bodies have never never
9 sent to any engineer or any architect any of their regulations at the
10 time they were promulgated. This could have been done. We have had plans
11 lost from eighty to ninety days among these state agencies. In the mean-
12 time the owner's property was tied up, the money for his building was tied
13 up, and everybody was put to an expense from which nobody gained the
14 slightest thing, and we have still a further problem and that is the code
15 enforcement in the smaller cities, and frankly code enforcement can only
16 begin--it never has begun anywhere else except at the initial checking of
17 the owner's plans and specifications.
18

19 The best inspector in the world is helpless without plans duly ap-
20 proved on the job. So we must start there. We must have first the plans.
21 The plans must be approved by the regulatory body. Now, a building of
22 some importance requires experience and skillful and trained men. Many
23 of our smaller communities don't have that. Many of the worst possible
24 hazardous conditions we have in this state exist outside of some of our
25 larger cities. Many of our worst fire hazards and panic hazards grew up
26 like Topsy in unincorporated areas, and a man's life should be just as
27 precious to the state in some backwoods community as it is in some large
28 communities.
29

30 The day of the automobile has made not only a practice but a habit
31 of a large number of people to gather in very flimsy and very highly in-
32 flammable structures outside of incorporated cities and those are the
33 things that are giving our state fire marshal the real willies. He is not
34 worrying about what goes on in the cities. His real worries are on these
35 cafes and dance halls and things of that sort outside the incorporated
36 cities, especially the smaller ones, and also the smaller cities that don't
37 have an adequate building department.
38

39 You can go down to Gardena here and find places I am talking about.
40 They are not under the jurisdiction of any adequate building department
41 anywhere. I have seen Los Angeles grow, Los Angeles County grow from 1910
42 and I have administered the State Housing law of the City of Long Beach
43 for more than three years. Many of us forget that we have a State Housing
44 law, but we have lived under its minimum provisions so long that we take
45 it as a matter of course.
46

47 It is well set up, well published, easy to get copies of, easy to
48 get approval of, and it is administered by local building departments. We
49 have a very fine example of what works and what doesn't work. The State
50 housing law is administered on a local level entirely.
51

52 If the local building department wants help, it has the agents of the
53 state to help on information and interpretation of how the act was admin-
54 istered in other parts of the state.
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I have known personally Mr. Mott who has charge of this area since 1921, and he has given the state and the taxpayers and property owners splendid service. On the other hand we have this horrible hodge podge of other state regulations, for instance, an ice cream stand in the city of Long Beach that did not have people come inside and sit down and eat comes under the state dairy section and its rules and regulations, but if he opens the door and lets a person come in and eat, he comes under the regulations of the restaurant act and there are a lot of funny and peculiar things in one that become ridiculous when you apply it to the other.

For instance a restaurant storing hundreds of tons of foodstuffs doesn't have to have near the rat proofing and vermin proofing that a little ice cream place that is only twelve feet square, but nevertheless it has to comply with the requirements for rat proofing and then to make it inconsistent they have wooden doors where rats could get in.

There is one other item I want to bring up in the matter of permissible amendments. Many of our amendments are tried out first in the smaller cities, and if they are found practicable and advisable and worth while, then they are adopted on larger scales in larger cities and I personally and firmly believe that the best thing for the State of California is a minimum code with provisions whereby the smaller areas can get the help of an adequate building department, and those communities which maintain their own building department just as adequate as any the state provides are entitled to the economy of lesser regulations and lesser regulatory bodies and sometimes a matter of three months is required to get a set of school plans through both the local building department and the state division of architecture. I am not criticizing the state division of architecture. It is one of the most efficient state agencies we have ever had and all due praise to them. There is no reason for them to duplicate the building department of the city of San Francisco or Sacramento or Los Angeles or Long Beach or Pasadena, and cities that have an adequate building department.

It is a waste of at least one half of one per cent of the cost of the school buildings, and that is a lot of money in the State of California, as big as it is. And I think that is most of my story. I will be glad to answer questions.

MR. GRANT: You represent the Long Beach Chamber of Commerce?

MR. HEDDEN: Yes.

MR. GRANT: You have given this considerable thought, you and your committee, haven't you?

MR. HEDDEN: Yes.

MR. GRANT: You are pretty much all of universal opinion then that a commission is not the proper procedure to follow?

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4 MR. HEDDEN: I don't believe any of the members are in favor of a
5 commission as we have known them in the past. So we feel that a small
6 state agency would be much more effective. I believe a small group work-
7 ing in the Board of Public Works or in the State Division of Architecture
8 would serve the purpose which we need, and that is an over-all agency
9 that can help the smaller communities with their problems and when they
10 don't have an adequate building department can provide them with what they
11 need.

12
13 Many of the cities in Los Angeles County and Orange County--take
14 Seal Beach, right next to Long Beach--their building code is enforced by
15 the chief of the fire department. He is a splendid fire chief for a small
16 town. He is unable to read plans for anything in excess of a five room
17 house. He doesn't know whether a building is structurally sound or not.
18 He doesn't know whether present state regulations for building are com-
19 plied with. He is not an engineer. I'm not a fireman. I couldn't
20 qualify as a fireman. I know very well very few firemen can qualify as
21 an engineer.

22
23 The City of Pasadena had a very serious experience with inadequate
24 building department. Perhaps Mr. Stewart remembers it. Long Beach had
25 almost as bad. It isn't economy for any community to attempt the com-
26 plexities of building as we have them today without them being checked by
27 an independent agency. A private agency isn't satisfactory. You can't
28 expect a policeman to police himself and that is what it amounts to.

29
30 CHAIRMAN STEWART: Did you have anything else? Thank you very much.
31 Mr. Henry R. Boone, Assistant Fire Chief of Los Angeles.

32
33 MR. BOONE: Mr. Chairman and gentlemen, I along with Chief Lavenburg
34 of South Pasadena are representing the fire chiefs of California as author-
35 ized by the fire chief's meeting at the League of California cities at
36 the recent meeting. I want to say to start that the fire chiefs are in
37 a rather embarrassing position on this second staff report in view of the
38 fact that the date of release was August 21 and the first knowledge we
39 had or copy we had of it was October 12.

40
41 We think this should be of interest because I would say approximately
42 seventy-five per cent of our building code regulations are based on fire
43 regulations and at the outset I would like to take the privilege of con-
44 gratulating the staff on the manner in which they have gone in and made
45 a study of this and they have really done a commendable job.

46
47 I shall attempt to present the fire chiefs view point as authorized
48 by the fire chiefs. First, to show that the fire chiefs recognize the
49 problem, in 1944 they formed a committee of chiefs to sit down with the
50 State Fire Marshal and attempt to work out a solution to the overlapping
51 jurisdiction between the fire service and the fire marshal. The result of
52 this was that legislation was presented and approved in 1945 wherein many
53 of the powers were taken away from the fire marshal of the State of Cali-
54 fornia and he did not object to it, and I do want to call your attention

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4 to the fact that to my knowledge I know of no other state agency that has
5 come before the Legislature and asked to have his powers reduced.
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7 Now, that law prohibits the state fire marshal from coming into
8 cities and making inspections except on request of the governing body or
9 by the fire chief in that area and we think it is a good law.
10

11 Now, with the one exception I would say that the fire marshal does
12 not make any inspections only in the unincorporated areas and that is the
13 law you yourselves enacted with reference to dry cleaning plants and he
14 does come into the cities and all areas and make inspections of that one
15 particular thing.
16

17 With respect to the uniform code I would like to explain the posi-
18 tion of the fire chiefs and my position. The fire chiefs of California
19 have maintained a membership in the Pacific Coast Building Officials Con-
20 ference for a number of years, and it has been my privilege to represent
21 the chiefs in the preparation of code changes throughout a number of
22 years. I think that you will find that there are many things that are
23 in a uniform building code today that were recommended by the fire service
24 along with the state fire marshal to get into the building code those
25 things that would eliminate conflict.
26

27 While we are speaking of the uniform code and the fire marshal, I'm
28 going to say it is unfortunate Mr. Gilbert Morris isn't here, but his
29 assistant is here and I'm sure that he will take the word back to him, and
30 I want to assure you gentlemen that being head of the fire prevention
31 bureau of the City of Los Angeles requires considerable coordination be-
32 tween the fire department and the building department and we work very
33 closely together and I don't believe that there are two departments any-
34 where in the state that work any closer than the Los Angeles Building
35 Department and the Los Angeles Fire Department, but I frankly think that
36 Mr. Morris being a busy man, that he is either confused or he hasn't in-
37 terpreted the fire marshal's regulations.
38

39 The fire marshal has adopted the 1949 edition of the uniform build-
40 ing code as the basic building code, and any new building that is built to
41 conform to that, conforms. There are only two exceptions. One is the
42 hospital surgical standards which are not included in the building code,
43 and the second is the interior finish which has been in front of the uni-
44 form building code for the past three years and has not tentatively been
45 approved and will come up for final adoption at the next session. It
46 might interest you to know that today under the building code once the
47 building is built, we couldn't prevent you from coming into this room and
48 putting six inches of excelsior or any other finish into those walls.
49 Those are some of the things the fire chiefs have been very definitely
50 working on in the last few years and trying to prevent.
51

52 Secondly where building construction is involved and it is neces-
53 sary to order the thing to be done, we simply refer them to the building
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4 department and say, "You will have to conform to their requirements and
5 all those things," so that overcomes a lot of those objectionable fea-
6 tures, I believe, and is leading towards better cooperation.
7

8 The chiefs approved, and I will submit this communication that was
9 approved by the California fire chiefs at the League of California Cities
10 meeting--they desired that I call to your attention certain problems which
11 are of vital importance to this over-all subject that in their opinion
12 were not mentioned in the staff report, and which we believe ought to be
13 given some consideration before a practical solution can be reached.
14

15 The first is the almost total lack of provisions in present day
16 building codes to deal with fire and panic safety problems in existing
17 problems, the factors which made advisable the establishment of minimum
18 safety standards on the state level to deal with certain specific types
19 of occupancy, the problems presented by changing occupancies and the
20 mixing of occupancies in buildings, the problem of maintaining fire pro-
21 tection and fire safety equipment appliances and facilities in buildings
22 after they are constructed--are the smaller cities and sparsely settled
23 counties financially able to assume the burden of health and safety reg-
24 ulations without technical assistance from state agents. State buildings
25 and state institutions are not subject to local building codes.
26

27 Now, we ask ourselves, is there a need for a rule making power? I
28 cannot agree with some of the statements that have been made that no state
29 agency should have authority to make rules. I need only refer to the
30 State Housing Act as being one of those laws that is not up to date.
31 Frankly it is very difficult to interpret it, and I seriously doubt if
32 there is an individual who can build a building and conform to all the re-
33 quirements of the State Housing Act as it is written today.
34

35 I think an experience we had in the City of Los Angeles will give
36 you some idea of the need for rule making power. In February of 1947 we
37 had the O'Connor explosion. That was in an electroplating plant. Every-
38 thing conformed as far as the building was concerned for electroplating
39 plants, but perchloric acid, which was being used was not contemplated
40 or no one could contemplate such action. As a result there was a great
41 hue and clamor as to why the fire department did not have regulations
42 covering chemicals. So then the city council as a result of the hue and
43 cry passed an ordinance authorizing the board of fire commissioners and
44 the chief of the fire department to draft rules and regulations covering
45 the storage, transporting, processing of all chemicals in the City of
46 Los Angeles.
47

48 Well, now, gentlemen, there was no such law anywhere in the country
49 because it was an industry that had grown up to the extent to where no
50 department had the money to make an intelligent study of it, and from that
51 date to this, we have been in the process of making a research where we
52 have, I would say, the most information of any in the United States on
53 dangerous chemicals. We have prepared those regulations. It involved
54 many problems.
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4 It involves the building department. Now, we are working with the
5 building department at the present time and they have had men assigned
6 for several months taking those provisions that we had drawn up and they
7 are putting an appendix into their code and that is just about completed
8 at the present time. It has taken all of that time to do that, but the
9 point I want to get to you is this, it would be well and good to say that
10 we can take it to the city council or the state legislature and pass an
11 ordinance or an act requiring that, but you are dealing with an industry
12 where there is not a week goes by but what there is something new comes up
13 in it, and you have to have something flexible so that you can take the
14 proper safeguards and yet cover everything.
15

16 I know there are many instances in the Los Angeles code where it is
17 necessary for the department and the board of building and safety commis-
18 sioners to approve certain new developments that come up unexpectedly,
19 things that are not covered in the code, until a subsequent date when it
20 can be put into the code. So I think there is justification of those
21 things.
22

23 I don't think there is any question but what we all acknowledge
24 there is a reason for improving our conditions from what they were a few
25 years ago, because in the last ten or fifteen years we are all familiar
26 with the rapid growth of the areas. There has been a definite change to
27 industrial activities which have required additional safeguards and more
28 and more regulations have been necessary to take care of those conditions,
29 and, gentlemen, no building code can be designed where we can exclude the
30 fire service because the fire service has a responsibility of carrying on
31 after that building is occupied, and it is a closely coordinated coopera-
32 tive arrangement.
33

34 Now, in conclusion, I want to make this statement in view of the
35 fact that the League of California Cities has just met and they have not
36 had time to prepare a report for this meeting, they have appointed a six-
37 man committee to study this matter and report to the interim committee.
38

39 CHAIRMAN STEWART: We will appreciate getting your report. Any
40 questions by any members of the committee of the chief? We thank you very
41 much for appearing. We have other men here and if they care to speak we
42 shall be glad to hear them.
43

44 MR. O'CONNOR: My name is Ed O'Connor. I am superintendent of
45 building and safety in Long Beach.
46

47 In regard to rule making power, I would like to go into that a little
48 bit on how it is set up in the uniform building code. There is a provi-
49 sion in the building code that states that the building officials may ap-
50 prove new and alternate methods of construction if it is equivalent to
51 that set up in the code.
52

53 Now, the code as written sets up certain basic standards, wherein the
54 rule making power of the state agencies they don't have any existing
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4 standards unless they choose to. Now, it is my understanding that the
5 State Division of Architecture more or less have set up their own rules.
6 Now, they in turn set up their own standards. I think no agency should
7 be setting up their own standards. I think standards should be set up
8 in a broader sense, a larger group, and once those standards are set up,
9 then the building officials or the agency involved may draft additional
10 rules and regulations which are comparable in the standards to the exist-
11 ing code or ordinance.

12
13 We have had one problem locally in regard to homes for the aged where
14 there seems to be any number of agencies and I know at least two state
15 agencies that are involved. But you may have to go to fifteen different
16 agencies, from one to another, and we have never locally been able to
17 really pin the problem down.

18
19 In regard to rules and regulations that are published by the state,
20 we found them very difficult to obtain those and we usually become aware
21 of them by stumbling over them at sometime or other, and in some of these
22 such as the State Housing Act and others, the enforcement is left up to
23 the local agencies, and I think there should be some way of informing the
24 local agencies of anything that is adopted which they are required to
25 enforce.

26
27 CHAIRMAN STEWART: Any members of the committee have any questions?
28 I want to ask a question. In fulfilling your responsibilities in the City
29 of Long Beach, you operate under ordinances that are adopted by your city
30 council?

31
32 MR. O'CONNOR: Yes, sir.

33
34 CHAIRMAN STEWART: They direct you. You know what your responsi-
35 bilities are, and the city of Long Beach by virtue of the fact your city
36 council has adopted ordinances governing that is governed accordingly?

37
38 MR. O'CONNOR: Yes, sir.

39
40 CHAIRMAN STEWART: Do you find conflicts with the local ordinances
41 and the different departments?

42
43 MR. O'CONNOR: Yes, sir, we have.

44
45 CHAIRMAN STEWART: In relation to the State Housing Act and so forth?

46
47 MR. O'CONNOR: I found conflicts with the state fire marshal for
48 one, and we have certain regulations locally that are restrictive, more
49 restrictive than what he has adopted.

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51 CHAIRMAN STEWART: Thank you very much. Now, is there any other
52 citizen in the room who wants to advise this committee of any condition
53 that they personally know of? That is all the witnesses we have on the

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4 schedule. We have a very full agenda for tomorrow, and if there is any-
5 body here that wants to testify before the committee we will be very glad
6 to have them.
7

8 MR. CRAVEN: May I add a bit? This is not in rebuttal, but in per-
9 haps furnishing a few illustrations on one of the points Mr. Kroeger has
10 made and that you are familiar with, that there is overlapping between
11 city agencies.
12

13 I just want to point out that much of that is due to the state
14 action. For example, our charter is fairly clear that the Department of
15 Building and Safety, the Fire Department, the Health Department, each has
16 its own function. That is in the charter provision, and under that alone
17 we have no conflicts. But, the state stirs that all up and makes a mess
18 of it.
19

20 Now, chief Boone has already commented that the state fire marshal
21 has delegated to him the enforcement of the fire department rules, and he
22 has also commented that we don't have any difficulty, which is true, be-
23 cause he has made it possible to not have difficulty.
24

25 The State Department of Health delegates their rules to the Health
26 Department and that brings the Health Department into the building con-
27 struction picture, and farther than that the State Department of Health
28 has some rules that make it necessary for the water department to enter
29 into building construction in the field of certain cross connection de-
30 vices which are rather expensive and important.
31

32 There we find our charter which started out very clear was comple-
33 tely thrown awry by state action. So I think that that particular field
34 could certainly be straightened out.
35

36 I might mention that there has been some tendency to minimize the
37 conflict. I would like to say the situation is a lot worse than it seems
38 because of the fine cooperation between state agencies. They just refrain
39 from making it more difficult than it is.
40

41 CHAIRMAN STEWART: Thank you very much.
42

43 MR. KROEGER: May I ask a question that started forming in my mind
44 a while ago when Ed O'Connor was talking?
45

46 We have talked a great deal about state regulation in this field,
47 very detailed state regulation on various aspects of the subject. I'm
48 wondering if we would get any nearer a simplification of the problem if
49 we put the state simply in the business of setting standards exclusively,
50 not in the form of the kind of regulations we have now, but rather in
51 terms of saying what kind of things we are trying to establish in the
52 interests of health and fire safety and the other fields in which the
53 state may have concern, leaving it entirely to local jurisdiction to de-
54 termine the specific regulation which would achieve that standard and
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4 and leaving it also to the local jurisdiction to determine the agencies
5 of the local jurisdiction which would enforce those regulations. In other
6 words, the state would in effect set out a set of specifications and the
7 putting of that into regulation form would be the job of the local govern-
8 ment, which would be responsible for meeting at least the minimum standard
9 prescribed by the state.

10
11 My question in part is, is there a distinguishable difference between
12 standard and regulation?

13
14 MR. CRAVEN: I don't know. I think there would be.

15
16 MR. KROEGER: Do you think we would be getting somewhere if we tried
17 to define the difference and put the state in the position of saying that
18 in the interest of industrial safety we are trying to accomplish certain
19 things; in the health of the people employed, we are trying to accomplish
20 certain things? Frankly, I don't think it is so simple as someone sug-
21 gested here today that we should just get the state out of this problem
22 entirely and then it is all solved.

23
24 MR. CRAVEN: Well, as far as we are concerned, the city of Los
25 Angeles, I don't believe, needs state enforcement, and I don't believe
26 the state officers spend much time in our city enforcing the law.

27
28 MR. KROEGER: Let me explain what I mean. The state's interest in
29 the field has grown up in the past, not through a direct concern of build-
30 ing standards as such, but in its concern with industrial relations and
31 public health, and sanitation, and matters of that sort. The state has
32 backed into this subject of building standards because the way in which a
33 building is put together and equipped has a bearing on the health and the
34 safety of the people that work in it.

35
36 I doubt that you are ever going to find the time when the state ab-
37 dicates total responsibility in the field of industrial relations or pub-
38 lic health or anything of that sort. What I'm trying to fumble for here
39 is some concept by which the state continues its interest in that kind of
40 a broad field and states its interest in terms of some definite standards
41 of health and safety that are to be met, but still leaves the writing of
42 the detailed regulations and enforcement of those regulations to local
43 jurisdictions.

44
45 MR. CRAVEN: I might cite the rule of the State Department of Health
46 that has to do with prevention of cross connection--that is a rather broad
47 rule and could very well have been a statute because it is not detailed
48 at all and it does what I think you have in mind. It sets up a rather
49 broad statement of things to be done and certain types of devices that
50 are minimum, and the only way that can be enforced is for the enforcement
51 agency to supplement it with some rules, and that enforcement slips down
52 to the local. It is two jumps. The Legislature enacts the statute.
53 The State Department of Health adopted some rules which were broad neces-
54 sitating further rules on the part of the local department, which is quite
55 a long strain.

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4 MR. KROEGER: Let me illustrate my point with an example from earlier
5 today--the matter of grease interceptors. The standards that are involved
6 there are that you want to keep grease out of sewers because they block
7 them; but you don't want to take grease out of the sewer in such a way that
8 it leaves it in the plant under unsanitary conditions. Now, maybe it is
9 an oversimplification of it, but it begins to represent what I am driving
10 at. If there were standards of that sort set, wouldn't it then be entire-
11 ly feasible to leave it to a local jurisdiction to work out whatever solu-
12 tion is practical locally?
13

14 In other words, from city to city I don't think the state cares very
15 much what kind of an invention is applied to keep that grease out of the
16 sewer and out of the meat processing plant. All they want to accomplish
17 is to keep it out of those two places.
18

19 MR. CRAVEN: Sure. I believe that sort of thing could be done.
20

21 CHAIRMAN STEWART: Any other questions? We thank you for contribut-
22 ing to this hearing. Anyone else want to address the committee in rela-
23 tion to overlapping jurisdiction?
24

25 MR. LAVENBARG: I am Donald J. Lavenbarg, fire chief of South
26 Pasadena. I would like to say I concur in the things Chief Boone brought
27 out in representing the fire chief section of the League of Cities.
28

29 There is one thing I think should be called to your attention. There
30 are a lot of men here today, and with all due respect to those men, they
31 come from Los Angeles City, Long Beach, Pasadena and a few other large
32 cities, but the one thought I have in answer to your question is that we
33 are overlooking these little small counties and cities that don't have the
34 money and can't afford to maintain these various agencies and don't have
35 them, and in that case, it is my opinion that this state agency has to
36 step in and do something, or we bring about a condition as the gentleman
37 from the Long Beach Chamber of Commerce brought out, we have a lot of
38 these places such as we have in Gardena and a few other places that are
39 a menace to health and society, and I believe that they have a place to
40 take care of these small cities and counties who can't afford to maintain
41 those agencies.
42

43 CHAIRMAN STEWART: Any questions? Thank you very much. Anyone else
44 want to address the committee? We are going to give you all an opportunity
45 if you have any contribution you can make. We have a very full agenda to-
46 morrow and we will meet here tomorrow morning at ten o'clock.
47

48 Here is a letter from Don Smith, Secretary-Treasurer of the Cali-
49 fornia State Firemen's Association.
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51 MR. KROEGER: (Reading the letter)
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4 "Dear Mr. Stewart: We would like to thank you for sending us the
5 Interim Committee's Reports on State and Local regulations effecting build-
6 ing construction in California. This was the reports compiled by Louis J.
7 Kroeger and Associates.

8
9 "After reading these reports it gives us a great deal of pleasure to
10 note the sincere and intelligent approach your committee is giving to this
11 matter.. We feel that these reports for your committee by Louis J.
12 Kroeger and Associates are outstanding in their study and findings.
13

14 "We would like to congratulate you and the other members of your
15 committee for the splendid work you are doing at this time.
16

17 "If we can be of any assistance in this matter or any other effect-
18 ing the Fire Service in California, please feel free to call upon us.
19

20 "With kindest personal regards, I remain.
21

22 "Sincerely yours, (Signed) Don Smith, Secretary-Treasurer,
23 California State Firemen's Association."
24

25 CHAIRMAN STEWART: We are very appreciative of such letters. The
26 members of this committee are public servants, and the Legislature through
27 this resolution No. 183, instructed this committee to do this job. We
28 can't do a job and our staff can't do a job unless we have your hearty
29 cooperation, and that is all we are here for. None of us have any ideas
30 that we are enamored of until we hear from you people, and we are going
31 to study your testimony. If no one else wants to address the committee,
32 we want to express our appreciation for the interest manifested here to-
33 day, and we invite you to be here tomorrow, for without you we can't get
34 very far.
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36 (Thereupon the hearing recessed until next morning.)
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4 FRIDAY, OCTOBER 27, 1950, 10:00 O'CLOCK, A.M.
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8 CHAIRMAN STEWART: The committee will come to order. The first
9 gentleman on the schedule this morning is Mr. Murray Erick, structural and
10 industrial engineer. We will be glad to hear from you now, Mr. Erick.
11

12 MR. ERICK: I have been asked by the structural association of Cali-
13 fornia and also our local association to appear here and present our
14 thoughts on the matter of a state building code. Both of our associations
15 recently adopted resolutions.
16

17 I do not have a copy with me, but they are to the effect that we be-
18 lieve that the various provisions of the many state authorities governing
19 building construction should be codified so as to clarify and eliminate
20 the conflicts that now exist. Furthermore, that control of building con-
21 struction should preferably be left in the hands of the local building
22 authorities provided, of course, that the codes and their organizations
23 for the enforcement thereof are adequate to enforce them and provided,
24 of course, the local codes would meet the requirements of any state laws.
25

26 We feel that it is very important that we should be able to deal
27 with our local building authorities. They are close to us and it is much
28 easier to get the hearing on interpretation of the codes.
29

30 We know it is virtually impossible to write a code that can be en-
31 forced one hundred per cent or that is applicable in every case to various
32 construction projects. The code, as I see it, is written to establish a
33 standard of construction and safety, and there may be other ways of doing
34 it except those that are specifically written in the code.
35

36 If it were necessary for us to go to Sacramento for these revisions
37 in the code, I think it would seriously handicap the activities of the
38 construction industry. It has been my pleasure and it has been the plea-
39 sure of a great many of our associates to work very closely with our local
40 building authorities, and I think we have accomplished a lot in improving
41 our local codes, keeping them up to date with the new methods of construc-
42 tion and new materials of construction.
43

44 Our local Los Angeles City Board of Building and Safety Commissioners,
45 as you people probably know, are made up of individuals very closely allied
46 with and active in the industry.
47

48 In other words, they are men that are familiar not only with the pro-
49 visions of the code, but with new developments in the building industry
50 and I very strongly feel and our association very strongly feels that we
51 can accomplish more and improve construction and lessen cost of construc-
52 tion if we are able to work as we have been working closely with our local
53 codes with, of course, the assurance that the local codes do provide equal
54 safety and so forth to those required by the state codes.
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4 MR. KROEGER: One question. You have made the suggestion, and it's
5 been made by a number of others, that control be left to local agencies
6 providing they have adequate standards. That still leaves the unanswered
7 question as to what we should propose. What sort of machinery would you
8 propose to determine what standards are adequate? Do we need state con-
9 trol or do we leave that to local bodies?

10
11 MR. ERICK: Let's say that the state were to adopt a standard code,
12 such as the uniform building code--I think then a very good way to deter-
13 mine whether the local codes and the local authorities are adequate and
14 the local authorities are competent, would be to set up a commission com-
15 posed of qualified people within the construction industry.

16
17 Now, when I say qualified people within the construction industry,
18 I have reference primarily to three groups, the architectural, engineering,
19 and the general contracting groups. Of course, be sure to keep any mater-
20 ial interests off such committee, but get those that are active in the
21 industry and are qualified and have a high standard in the industry and
22 in the community. They would be glad, I believe, to serve on a part time
23 basis and at a very reasonable cost to the state, and could review the
24 codes and make a check on any of the local building authorities to see that
25 they are qualified and do maintain a staff adequate to enforce the laws.
26

27
28 MR. KROEGER: Now, in the interests of avoiding additional official-
29 dom of any sort, is it feasible to give that added duty to the licensing
board that now exists or would there be a conflict?
30

31
32 MR. ERICK: I think that could be done very well by the various as-
33 sociations, say the architects, the engineer groups, and so forth, nomi-
34 nating a list from which the Director of Public Works or somebody like
35 that would select a committee, possibly in Sacramento one and in San
Francisco one, and in the Los Angeles area one.
36

37
38 MR. KROEGER: And they would have the sole duty of passing on the
adequacy of local regulations and the competency of local enforcement?
39

40
41 MR. ERICK: That is right and competence of local standards as well.
42

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44 CHAIRMAN STEWART: In your experience do you recognize there is a
conflict today between the state and local agencies that may be expensive
to the taxpayer and the builder?
45

46
47 MR. ERICK: Yes, there is a very very considerable difference in
the various code requirements.
48

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50 CHAIRMAN STEWART: When you refer to code--
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53 MR. ERICK: I speak of local codes and state codes.
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56 CHAIRMAN STEWART: Do we have state codes?
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4 MR. ERICK: Well, we have the requirements of the fire marshal, for
5 instance. We have the requirements of the Division of Architecture for
6 school house planning, we have the state requirements as to housing and
7 also as to hospitalization and many of those other things, and many of
8 those things are not clear. There are problems of interpretation that
9 come up and some of those may come up after we have had an occupancy per-
10 mit from the city of Los Angeles, at which time the fire marshal or some-
11 body else may walk in and find something that doesn't exactly comply with
12 the state regulations, maybe after the contractor has been paid off and
13 it may cost a lost of money.
14

15 CHAIRMAN STEWART: Do you have in your office or is there avail-
16 able to you as a structural engineer on--we will assume you are building
17 a hospital--when you start that hospital do you have in your office all
18 of the state regulations of these various departments?
19

20 MR. ERICK: I do not.
21

22 CHAIRMAN STEWART: And because it has not been available to the in-
23 dustry in general, in your opinion has it cost the taxpayers, the owner,
24 and the architect, the contractors and everybody connected money and cre-
25 ated confusion?
26

27 MR. ERICK: From my own experience, no. I have had very little con-
28 flict for the simple reason I have done very little hospital work in re-
29 cent years. Now, zoning and housing, I have had some difficulties on that.
30

31 CHAIRMAN STEWART: That is with the State Housing Act?
32

33 MR. ERICK: This is right.
34

35 CHAIRMAN STEWART: Thank you very much. Any question by any mem-
36 ber of the committee? Thank you very much, Mr. Erick. The next speaker
37 is Gordon Cumming, State Department of Public Health.
38

39 MR. CUMMING: My name is Gordon Cumming. I am Chief of the
40 Bureau of Hospitals in the State Department of Public Health. (Reading
41 prepared statement.)
42

43 "The Director, California state Department of Public Health, has
44 directed that I respectfully request the opportunity of appearing before
45 your Committee regarding the Second Staff Progress Report of August 1950.
46

47 "The Department of Public Health has certain responsibilities for
48 building requirements applicable to hospitals and nursing homes in Cali-
49 fornia. Hospitals, with certain exceptions, have been subject to licen-
50 sure sine 1946. The Department administers this program and has estab-
51 lished minimum structural and other requirements in the Administrative
52 Code, as authorized by the Hospital Licensing Act. This involves review
53 of building plans and periodic inspections. County hospitals are exempt
54 from licensure; however, in 1949 the Department became responsible for
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4 the review of plans for county hospital construction and for inspection
5 of these institutions. With the concurrence of the Supervisors Associa-
6 tion of California, the Department applies the same standards to county
7 hospitals as apply to licensed facilities. The standards established
8 for licensure were prepared with the cooperation of an Advisory Board
9 of Hospital administrators. The Association of California Hospitals par-
10 ticipated in the review of existing standards. These standards are con-
11 cerned with physical structure, space requirements, clinical records, and
12 to a more limited extent with operation.

13
14 "The Department has somewhat similar responsibility for licensure
15 of clinics and establishments for handicapped persons, each category
16 being covered by legislation.

17
18 "The Department at present is in process of revising hospital re-
19 quirements, and is working closely with all recognized hospital organi-
20 zations to insure that these standards will be adequate without resulting
21 in restrictive controls or excessive building costs.

22
23 "The number of institutions in California with which the Department
24 is concerned follows: Nursing, convalescent and rest homes, four hundred
25 thirty-one; large general hospitals, fifty-seven; small general hospitals,
26 two hundred fifty; maternity hospitals, twenty-one; maternity homes,
27 eleven; tuberculosis hospitals, nine; tuberculosis nursing homes, sixteen,
28 specialized hospitals, twelve; establishments for handicapped persons,
29 seventeen; county hospitals, eighty-five; clinics, one hundred ninety-six;
30 total eleven hundred five.

31
32 "We believe there is substantial agreement that institutions for the
33 accommodation of patients should meet certain minimum physical and opera-
34 tional standards. This has been recognized by professional organizations
35 such as the American College of Surgeons, American Hospital Association,
36 National Board of Fire Underwriters and Pacific Coast Building Officials
37 Conference.

38
39 "The structural stability and safety of buildings are covered ade-
40 quately in most communities of the State by adherence to the Uniform Build-
41 ing Code. This Department is concerned with minimum requirements which
42 affect adequacy of patient care and which are not in the Uniform Building
43 Code.

44
45 "There is very definite validity in the conclusions of your Committ-
46 ee's staff report that construction is complicated by regulations imposed
47 by the state and by local units of government. Our experience is this is
48 not a serious problem in the construction of larger hospitals which are
49 planned carefully by competent technical persons who are familiar with
50 the requirements involved. The individual who is interested in starting
51 a small nursing home or hospital, however, frequently lacks this compe-
52 tence and experience. As a result, he is likely to incur costs and
53 commit blunders in his confusion regarding zoning, building and licensure
54 requirements.

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4 "One problem with reference to buildings is that various state and
5 local requirements are concerned both with how a building is constructed
6 and how it is used. For example, general laws on sanitation and disease
7 control apply to hospitals. Health officials are responsible for the
8 enforcement of these requirements to protect the community. Similarly,
9 fire safety standards are enforced to protect the community. Very fre-
10 quently the enforcement of these standards involves the abatement of
11 certain practices in a hospital incidental thereto being structural
12 considerations which may be responsible for the improper use.
13

14 "The Department of Public Health has attempted to provide coordina-
15 tion in hospital construction. Since a license is required to operate a
16 hospital, and since plans must be approved by this Department, the fol-
17 lowing policy has been developed:
18

19 "1. This Department assumes the function of insuring that fire
20 safety exists by clearance with the State Fire Marshall, who in turn
21 verifies with local authorities compliance with local ordinances.
22

23 "2. Notifies cities and counties of approval of construction plans.
24

25 "3. Verifies that the proposed building is zoned properly.
26

27 "4. Notifies local units of government regarding new facilities to
28 insure that necessary local licenses and permits are obtained.
29

30 "This method of clearance is not ideal because it is cumbersome, but
31 after some initial difficulties early in the program it appears to be
32 reasonably well understood. Complaints from the public on being shunted
33 from one agency to another have decreased sharply.
34

35 "With reference to specific questions on which comment is desired
36 by your Committee, the following are submitted:
37

38 "(a) The Director and his staff are familiar with the report's
39 content.
40

41 "(b) The Department agrees in general with the analysis of exist-
42 ing problems.
43

44 "(c) In the hospital field the Department believes substantial pro-
45 gress has been achieved in simplifying the relationship between official
46 agencies and the public.
47

48 "(d) The report appears to offer all the principal alternatives
49 for solving the problem.
50

51 "(e) The Department suggests no other alternates.
52

53 "(f) The Department recommends additional detailed study before a
54 new state agency is established to coordinate all aspects of the problem.
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4 There is the hazard that a new agency would impose an additional layer
5 of control and procedure without eliminating many existing levels. Well
6 defined working agreements between state agencies are necessary to avoid
7 improper public service. It is suggested an initial objective, if a
8 new state agency is created, be to analyze inter-agency activity, ob-
9 tain simplification of procedures, and eliminate duplication of effort
10 and jurisdiction where indicated. It is believed this initial objective
11 would be of value in itself. The information on specific problems ob-
12 tained in the process could well provide the basis for subsequent legis-
13 lation extending the responsibilities of the central agency.

14
15 "(g)" We believe initially the new state agency should have author-
16 ity to induce existing state agencies to modify the current practices in
17 the interest of improved public service, with existing agencies retaining
18 the responsibility for public contact, promulgation or regulations and
19 administration. This would permit problems being resolved, or at least
20 defined, in the numerous special fields of interest to the state. This
21 method also would bridge the gap which could be created between building
22 standards and operating standards by establishment of a new agency with
23 general rule-making power in the building field.

24
25 "(h)" This Department believes no state administrative agency should
26 have rule-making authority in any field which can be handled adequately by
27 local units of government. For this reason, we believe it would be nec-
28 essary to define very carefully the area in which a new state agency
29 would be given rule making authority in fields covered by local ordinances.
30 By detailed study and consultation with local units of government it is
31 possible the new state agency might induce acceptance in local government
32 of standards which would permit the state discontinuing any regulation in
33 certain fields. In many fields this would not be possible, but the ob-
34 jective of retaining local control and administration has values which
35 should be preserved.

36
37 "(i)" The Department favors standards being established and enfor-
38 ced locally whenever possible. When standards are set by the state, local
39 enforcement is desirable when it can be accomplished effectively.

40
41 "(j)" The Department has experience with uniform hospital require-
42 ments which are enforced by local units of government. This delegation
43 is authorized by the Health and Safety Code. The delegation functions
44 satisfactorily. This Department makes final review of plans, but the
45 local agencies assume direct responsibility for enforcing operating
46 standards in a reasonable manner. We believe this principle is good and
47 would be applicable to a new state agency. Some difficulty probably would
48 be experienced if local boards were permitted to authorize exceptions as
49 outlined in your report, unless the problem is analyzed in detail and
50 understood thoroughly before legislation is enacted. We know from experi-
51 ence in the hospital field that enforcement of standards becomes very
52 technical at times. Clear delineation of authority is imperative under
53 these circumstances.

54
55 "(k)" The Uniform Building Code now has official status in hospital

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4 construction and establishes the minimum structural standards for these
5 institutions. We believe this is desirable to provide uniformity in
6 construction.

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8 "(1) The Department is unable to suggest how the new state agency
9 should be composed, as we are unfamiliar with all factors involved.

10
11 "(m) This Department believes improvements can and should be made
12 in the present procedures, state and local, which establish building
13 standards within California. We recognize the complexities inherent in
14 working out an improved procedure, but believe this can be done with
15 patience and detailed work. We believe state and local agencies are at-
16 tempting conscientiously to serve the public and are continuously devis-
17 ing methods of simplifying procedures for the benefit of the public. New
18 problems arise every year, however, which establish new regulations and
19 controls. An attempt to create a new state agency rapidly with broad
20 authority to make and enforce rules appears hazardous without much addi-
21 tional study of the problems in this field. An initial project of co-
22 ordinating existing state agencies possibly is sufficiently ambitious for
23 the new state agency, which later could give consideration to coordinating
24 with local units of government."

25
26 CHAIRMAN STEWART: Any members of the committee any question to ask
27 Mr. Cumming?

29
30 MR. KROEGER: I would like to ask one question. There has been a
31 good deal of discussion by some of the witnesses here on putting all state
32 regulation in this field into statute as against administrative regulation.
33 I wonder if you would like to discuss that from your standpoint?

34
35 MR. CUMMING: I think that would be rather unfortunate. Regula-
36 tions of that type change over a period of time and change quite a bit.
37 Architects and others working with personnel in our department suggest
38 good things for consideration right along, and the procedures of legisla-
39 tion are a bit formal, I think, to effect those changes as rapidly as they
40 might be indicated.

41
42 CHAIRMAN STEWART: May I ask you this question. Assume that compe-
43 tent architects and engineers start to erect a hospital in Imperial County,
44 where do they find the rules and regulations made by your department gov-
45 erning the building of that hospital?

46
47 MR. CUMMING: They are available for public distribution in Los An-
48 geles, in Sacramento, and in San Francisco.

49
50 CHAIRMAN STEWART: Who makes those rules?

51
52 MR. CUMMING: Thos rules are made by the Board of Public Health
53 after public hearing.

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4 CHAIRMAN STEWART: Do you mean that if you are going to change the
5 rules you would have a public hearing in Los Angeles or a public hear-
6 ing throughout the state presenting the rules to interested parties?
7

8 MR. CUMMING: Yes, sire, that is correct. There is a proposed re-
9 vision under consideration right now, and the principal agencies which
10 would be concerned by that I mean architects, engineers, hospital asso-
11 ciations, and similar groups--have been furnished advance copies of that
12 information and have been notified of dates of hearing on it.
13

14 CHAIRMAN STEWART: In the last analysis those rules are made in
15 your office after these public hearings and are they codified so that
16 everybody to whom you sent these circulars may know?
17

18 MR. CUMMING: Yes, sir, they appear in the Administrative Code
19 of the state.
20

21 CHAIRMAN STEWART: Thank you. Any other questions? If not, thank
22 you, Mr. Cumming. I would like to announce that we have two other very
23 capable members of our committee here today: Laughlin Waters and Mr.
24 McMillan. The next gentleman is Mr. S. B. Barnes.
25

26 MR. BARNES: Mr. Charman and members of the committee, my name is
27 S. B. Barnes, Chairman of Construction Industries Committee of Los Ange-
28 les Chamber of Commerce. I wanted to go on record that I am not speaking
29 for the Chamber of Commerce today because the Board of Directors has not
30 taken action on this particular matter since 1947. We have felt in our
31 committee that our thoughts have not been quite well enough crystallized
32 on the subject to have the directors act on this question.
33

34 I have read a very fine report, that of Mr. Kroeger. I think
35 there is no argument about the intolerable situation we have on these
36 overlapping jurisdictions, which does cause confusion and added cost. I
37 might cite a case which I have right now.
38

39 I designed the East Seventh Street Warehouse of Los Angeles. The
40 job was completed a little over a year ago. The contractor was paid off
41 and the building accepted. About a month ago I find that we are in vio-
42 lation on three counts on investigation by the State Industrial Accident
43 Commission. These may be justified, but right now I'm having a bad time
44 to get the contractor to pay for this work that has to be done now free.
45

46 I have just talked to Mr. Erick who was here before you a minute
47 ago and he forgot to give a little statement about an item of his. You
48 might like to hear it. I can repeat what he told me just now regarding a
49 hospital which he is consulting engineer on.
50

51 The report came back from the State Hospital Authority, stating
52 that there was probably too much steel reinforcing in this building. So
53 Mr. Erick went to check it and finds that they have been requested to de-
54 sign it, not according to the uniform code, as was previously stated here,
55 but according to Appendix A which includes certain factors which do take
56 additional steel. There we have a design--we must make the design accord-
57 ing to the Los Angeles City Building Code, and also according to Appendix A,

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3 which is the Division of Architecture requirement. That makes a double
4 design. In some cases one may govern, and sometimes the other. But, I
5 think we have had enough on that.
6

7 I think the important thing is the solution. It is rather com-
8 plex. I would like to give just a couple of fundamental principals
9 which our committee has been working and the ideas we have. We would
10 like to see the rules and regulations of the various state agencies
11 clarified and correlated.
12

13 Now, I don't say to put into code form because I'm not sure
14 whether that is the best way to do it. If we codify everything--rules and
15 regulations do have certain advantages from the standpoint of action, but
16 if we do have rules and regulations, I would like to see them changed at
17 some regular period so that at least for a year we would have a standard
18 set of rules and regulations and we would have that printed up and know
19 where we are going. Now, who would make these rules and regulations?
20

21 Who would correlate these rules and regulations or clarify them,
22 put them together and get them to the public? We don't want another
23 state Bureau. We feel we are growing pretty fast toward more and more
24 bureaucracy. We would like to keep it down. However, if we could have
25 one state bureau which would take care of all the building regulations of
26 all the state agencies and if we could reduce all the other agencies by
27 an equal amount that would not be unsatisfactory, I would say. But, I
28 think that is going to be an awful tough thing to do.
29

30 Rules and regulations sometimes can be handled by a despot and at
31 the present time, I see one of our very benevolent despots over here; but
32 sometime we might lose Mr. Yockers, and the new chief might not be quite
33 so benevolent. That is one of the disadvantages of rules and regula-
34 tions. We would like to work towards the end that if a city like Los
35 Angeles or a county like Los Angeles so desired and if such a political
36 subdivision were shown to have building laws and building supervision
37 which would not be less safe, and I don't mean in detail, than the state
38 laws and rules and regulations, that they would have the privilege of
39 voluntarily withdrawing from state jurisdiction.
40

41 That raises a couple of questions. How would you do that? There
42 would have to probably be some agency that would check on whether or
43 not the local building laws were adequate and whether the enforcing of
44 those laws was adequate; whether a commission could do that, or whether
45 it could be done through the state's attorney in some way, I'm not sure.
46

47 Mr. Stewart once told me that we in the building game know too
48 little about government. I know he is right. That is one of the things
49 I think we would like to have your committee help on. We know you gen-
50 tlemen appreciate our troubles. We know you are trying to help us out
51 on this thing and we know that you know more about government than we do
52 and appreciate your help. We would like to cooperate with your committee
53 in any way that we can. We would be glad to have you call on us at some
54 later date. Do you have any questions?
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4 MR. BROWN: I would like to ask, would you mind telling us what
5 the three problems were that you had with the Industrial Accident Com-
6 mission?

7
8 MR. BARNES: Yes, they all relate to installation of a crane run-
9 way. There is a certain clearance required so that an operator can
10 stand on his crane one way without touching the hot wires. I think we
11 are slightly at variance with that in this case by about half a foot.
12 So that now we will have to provide some kind of movable platform that
13 a man can stand on. This is out of my field a little bit, although
14 I'm in charge of the job. My experts can tell you more about it than I
15 can. I still haven't got that matter cleared up yet.

16
17 MR. BROWN: That is the only problem, though? I thought you said
18 there were three of them?

19
20 MR. BARNES: There are three points to this one building. One of
21 our particular pet peeves is the Industrial Accident Commission asking
22 for three foot six inch hand rails when most other codes call for one
23 three feet high. You build one three feet high and later they tell
24 you it has to be three feet six inches, and you have to put it in.

25
26 MR. WATERS: Mr. Barnes, is there any affirmative responsibility
27 on the part of the IAC to go into a construction during the period it is
28 being built to ascertain whether or not there is conformity?

29
30 MR. BARNES: Not at that time, I think they can use their own
31 sweet time and go into those whenever they want to. We would like to
32 have it done when the building is being built.

33
34 Now, once upon a time I believe there was proposed a situation
35 whereby all plans of all buildings were with certain exceptions submit-
36 ted to Sacramento to the State Industrial Accident Commission for ap-
37 proval prior to a permit. We don't like that either. We don't want
38 Sacramento to have approval of those plans any more than they want to
39 do so.

40
41 MR. WATERS: I appreciate the harassment involved there in delay
42 and so forth. At the same time, here we have a situation arising a year
43 after completion of construction possibly which could have been avoided
44 had there been some prior check.

45
46 MR. BARNES: I would rather see out local building department enact
47 some laws to bring requirements up to certain standards. We know our
48 local requirements do not cover all conditions which the state does cover.
49 There is no reason the local agencies couldn't enact those laws at local
50 level and then we would have them all in one package.

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52 MR. WATERS: You made one reference to the possibility of withdraw-
53 ing from any state control if a certain series of factors were present.

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4 Now, I presume that you mean by that, that if a minimum standard for the
5 entire state were established and then if a local community, whether it
6 be city or county met that minimum standard, that the control thereafter
7 would be entirely within the confines of that local community.

8
9 MR. BARNES: That is right, but only voluntarily, because I know
10 there are certain small communities who feel it is a good deal to be
11 able to pass the buck to relieve themselves of some political pressure
12 and say, "I can't do anything about it, boys, that is a state law."

13
14 MR. WATERS: Well, is that workable now--that is my question?

15
16 MR. BARNES: I think it is. I might comment, too, that we are not
17 so much worried about uniformity between the various small cities. Most
18 of them have the uniform code. Some of them have the 1942 edition, some
19 1946, some 1947 and so on, -through voluntary action we hope to get them
20 all to adopt the latest edition of the uniform code, and I don't think
21 we will ever get all those towns to avoid having some little thing in
22 there extra, over and above that, which they particularly desire.

23
24 MR. WATERS: What, in your opinion, are the major factors that have
25 led to the difference in codes throughout the various levels in government?

26
27 MR. BARNES: Primarily most of the cities have, of course, the uni-
28 form code as such, but they don't keep up to date and their councils don't
29 adopt the next or the last issue. Then they have some little thing come
30 up that maybe the building inspector gets hepped on, shall we say. He
31 is particularly interested in that particular phase, so it goes overboard
32 a little bit on some particular thing, and has that addition to the uni-
33 form code, usually on the side of extra safety.

34
35 MR. WATERS: Now, generally, is that on his own motion or is it
36 some group pushing him?

37
38 MR. BARNES: It is adopted by the council on his recommendation.

39
40 MR. WATERS: Is it lack of technical advice being available to
41 small cities that brings that about?

42
43 MR. BARNES: Usually.

44
45 CHAIRMAN STEWART: Any other questions?

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47 MR. ERICK: Mr. Chairman, I would like to make one correction in
48 this statement, this building is a state building, not a hospital. The
49 fact is there was a technical point in question. I just wanted to make
50 the correction that the building I was asked to check was a state building,
51 not a hospital building, and the particular point in question that I criti-
52 cized was the fact that under the code requirements, which the architects
53 have been requested to design, it was necessary to put in a steel reinforce-
54 ing stress of eighteen thousand pounds per square inch instead of twenty-
55 thousand pounds per square inch, which is almost universally used.

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4 That meant a difference of ten per cent of reinforcing steel that
5 went into that building basically, whereas the checking that was done for
6 the state indicated they thought there was about five or six per cent
7 steel in the building as if they had adopted twenty thousand steel
8 stress, which is almost universally accepted.

9
10 CHAIRMAN STEWART: What department gave you that information?

11
12 MR. ERICK: It was through the Department of Architecture. How-
13 ever, it was an engineer who made the check, -- a structural engineer in
14 private practice who was retained by the state to make the check on the
15 building. I don't know why that happened to be, but that was the case.

16
17 CHAIRMAN STEWART: Thank you. Mr. Vincent Palmer.

18
19 MR. PALMER: Good morning, gentlemen, I am Vincent Palmer. Involv-
20 ing Mr. Barnes' remarks, if a commission were established to correlate --

21
22 CHAIRMAN STEWART: May I interrupt you? What we are particularly
23 interested in in this committee is the difficulty that confronts you engi-
24 neers and architects and contractors and people who are building buildings
25 with overlapping jurisdictions in the state and various counties. Would
26 you be good enough to direct your thoughts to that? Are there any or not?

27
28 MR. PALMER: There are many instances. I will give you one, gentle-
29 men, that I think is very germane. A number of us are afraid of public
30 housing as the only solution for our problems. Every time we add a burden
31 to houses built under private investment and private enterprise, we in-
32 crease the rent of that building that must be demanded to make the thing
33 pay out.

34
35 A good illustration is in our state housing act. You have not seen
36 in the City of Los Angeles, and I dare say in the City of San Francisco for
37 the last decade any appreciable numbers of multiple story apartment houses.
38 The so-called glorious twenties were filled with them. Today we have practi-
39 cally none going up. There is a definite reason for it. The state housing
40 act is so obsolete, for instance, and the interpretations so archaic that
41 we are required to put in exists in corridors in the building without any
42 appreciable regard to the type of construction. A good illustration is
43 one clause which merely says that from the entrance to any apartment to
44 the nearest exit cannot exceed one hundred feet.

45
46 What does it amount to? In a typical illustration in our office
47 last year an eleven story building, two elevators, complete cross ventila-
48 tion to every apartment, that is it had two exposures, the requirement of
49 one hundred feet cut off four apartments for each floor. There were
50 twelve apartments to the floor. There could have been sixteen apartments
51 per floor if it hadn't been for that hundred foot requirement, an increase
52 in number of apartments of thirty-three per cent over what the law would
53 allow and similarly a decrease in the land cost devoted to that building
54 of thirty-three per cent.

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4 Say we have fifty apartments on a lot and the lot cost fifty thous-
5 and dollars. Somebody has to pay rent on a thousand dollars of land.
6 If because of that one hundred foot regulation in a fireproof building
7 we can get only forty apartments on that lot, then our land cost is one
8 hundred fifty dollars per apartment, and the rent has gone up on the
9 land twenty-five per cent.

10
11 You haven't seen an apartment built in any of our major cities in
12 the last decade that could rent for sixty, sixty-five or fifty dollars a
13 month. The reason is this overlapping, this interpretation of a literal
14 clause, as though it made any difference whether it were a hundred feet
15 or one hundred feet six inches, or a hundred and ten feet. There is a
16 typical illustration, Mr. Stewart and committee, of one of the small
17 points, and they go all through it. When you get into the fire sprink-
18 lers in the basement of a garage -- let's take an illustration.

19
20 Suppose you were excavating a lot under an entire building one hun-
21 dred feet square. Suppose you left all of the outside walls merely col-
22 umns so you had a building elevated on stilts and your cars were going to
23 be put on that ground floor. There is no place of access between that
24 ground floor and within the building. And yet, in that building you
25 would have to spend some twenty-five thousand dollars for sprinklers, al-
26 though there is no access through the building. There is a complete sep-
27 aration.

28
29 Now, the interesting part, is we are allowed vertical separation.
30 You can put up a vertical fire wall, if you consider a building on each
31 side as a separate building -- that is a dodge around and is permitted in
32 the state housing act, but change it to a horizontal plane and you can't.

33
34 All these things have added to the cost of housing so you and I are
35 not seeing any of our metropolitan areas developed and we are seeing a
36 fringe around all the cities of two story walkups, miles from the jobs of
37 people, which if we have another depression will become a dirge of fore-
38 closures where nobody can afford to live and drive twenty and thirty miles
39 to the job.

40
41 Does that answer your question? We are grateful for this opportunity
42 to bring out particular problems to you. I will make the statement in
43 front of our friends sitting out here with whom we have conferred to many
44 times that there has been little coordination between the department heads
45 at state level as to whether or not this rule or particular regulation
46 overlaps or conflicts with that of another department. They may be sitting
47 across the corridor from each other but never discuss such things.

48
49 Those are all complications that have to be correlated and gotten
50 into a straightforward document. When a straightforward document comes
51 forth, it may be that that document is so straightforward that nobody
52 has any problem from the standpoint of interpretation of it, in which
53 case it ought to be controlled at the local level. I thank you.

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4 CHAIRMAN STEWART: Any questions by any members of the committee?
5 Thank you, Mr. Palmer. Mr. Brandow.
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7 MR. BRANDOW: My name is George Brandow, representing Consulting
8 Engineers Association of Southern California. Actually our Consulting
9 Engineers Association is composed of consulting engineers in the field of
10 mechanical, electrical, civil, and structural engineering in the Southern
11 Area. There is a similar group in Northern California from San Francisco.
12

13 Our group took action and studied this particular problem along
14 with the Chamber of Commerce and Structural Engineers Association for some-
15 time.
16

17 The only definite action we have concurred in as a group was the
18 support of the Chamber of Commerce recommendations of some month ago,
19 namely, that we feel a civilian commission would be a very proper group to
20 either codify rules and regulations or an actual building code regulations
21 and actions of the various state agencies.
22

23 Secondly we feel that where local groups have proper building de-
24 partments they should be empowered to regulate the rules and regulations
25 of the state and handle them.
26

27 Thirdly we feel that we do not favor a separate building bureau in
28 the state.
29

30 CHAIRMAN STEWART: Have you in your experience found that overlapping
31 jurisdiction retards the development of buildings that you are interested
32 in constructing?
33

34 MR. BRANDOW: Well, I think the best illustration of that is this.
35 We have been structural engineers on the psychopathic Hospital for Los
36 Angeles County for instance. Adrian Wilson and Paul Williams were archi-
37 tects. That particular building had at least a dozen state agencies that
38 had to review and pass on the layout or the room arrangement or whether
39 certain sanitary facilities might be there, and at the finish we had to
40 get the various agencies together and say, "Now you tell us we have to do
41 one thing and someone else has a slightly different regulation. What can
42 we do so we can actually go ahead with one particular problem." It seems
43 mostly from the fact that the rules and regulations are personal regula-
44 tions made by various commissions, rather than something that is in writ-
45 ing, something that can be correlated between the departments.
46

47 That is the particular major objection from our point of view, and
48 there was a waste of several months of time in receiving the various ap-
49 provals and coordinating the various agencies that had to give such ap-
50 provals.
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52 CHAIR STEWART: Thank you. Mr. Frank Clough, City Manager of South
53 Pasadena.
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4 MR. CLOUGH: Mr. Chairman, at the instruction of the City Manager
5 section of the League of California Cities I am here to make a short and
6 concise statement, with two other members of our committee that were ap-
7 pointed, Mr. Klein, City Manager of Monterey Park, and Mr. Stites of Bur-
8 bank who is not able to appear.
9

10 Now, the instructions we have from the City Manager's section are
11 very short and concise so I do not need to take very much time.
12

13 As executives of the cities we recognize the fact there is a great
14 problem of overlapping authority and trouble that comes down through that.
15 We have been meeting that and working with it for years.
16

17 The thing that we would like to see done more than anything else,
18 as executives of the cities, would be to codify or bring out to the sur-
19 surface all rules and regulations of all agencies that have jurisdiction
20 and try to coordinate that or codify it in some way so that it brings
21 reason out of all this confusion.
22

23 We would also like to see some line of authority set up so that we
24 in the cities at local level of government would know where our authority
25 rested and the limitations of that authority and where some other author-
26 ity would take over and take that responsibility. We want to follow our
27 responsibilities through to conclusion. We don't want to take over any-
28 body else's responsibility, but there would be no confusion that should
29 exist upon that level.
30

31 We at the city level feel that we have done a reasonably good job
32 in the coordination of those responsibilities. There are cities where
33 that coordination doesn't exist, but that is a local problem and is one
34 therefore that is their solution. The thing that we are particularly in-
35 terested in is that coordination exist on up through to the higher levels
36 of government. We want it. We are very happy that this committee is now
37 working on this problem and we sincerely hope that some order may come out
38 of the existing confusion. We all have to deal with the difficulties that
39 are continually coming up.
40

41 One that I'm particularly interested in is the matter of overlapping
42 jurisdictions in the construction of schools under our local building code.
43 One building code inspector is expected to see that proper permits are
44 issued and that inspections are carried through.
45

46 We recognize the jurisdiction of certain state authorities and they
47 require certain definite requirements in these buildings, but we recognize
48 that there are very unimportant items besides those that are to be looked
49 after and followed through. In fact in many cases the state inspects and
50 it is very happy in the fact that the local level is carrying on the in-
51 spection work parallel to it.
52

53 Another item -- we are a little bit disturbed with the possibilities
54 that there might be an over-all state authority or commission created that
55 would be able to set up rules and regulations and other conditions that
56 affect the local level of autonomy. We want to request that you be very
57 careful in your approach on this problem.
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4 Going back to one of my first statements we are interested in proper
5 coordination, and if proper maybe temporary authority or commission or a
6 commission that could be set up that would be limited to setting up a line
7 of recommendations and it would be very helpful to us at the local level
8 of government.
9

10 CHAIRMAN STEWART: Are there any questions?
11

12 MR. KROEGER: Yes. Mr. Clough, you have addressed yourself principally
13 to clarifying the state regulations. One other aspect of this problem,
14 of course, is the diversity among the cities in adopting the uniform
15 code and adopting minor variation of it at the time. Now, you have had
16 experience, I know, beyond the field of just being city manager, more
17 closely related to that problem.
18

19 I wonder if you feel that there is some hope that through voluntary
20 action we can eventually achieve complete uniformity in the code? Is it
21 really necessary to have these fine points about which the practicing ar-
22 chitects and engineers have testified here -- that they build similar build-
23 ings across the street and the city line runs down the center of the street,
24 and they have to meet varying regulations?
25

26 MR. CLOUGH: In 1938-39 I was president of the Pacific Coast Build-
27 ing Officials Conference -- I believe that is probably what you had refer-
28 ence to. Since that time my efforts have been more in the managerial field.
29 I was appointed as city manager in 1940, but during the time that I was
30 active in the Pacific Coast Building Officials Conference, we had already
31 brought forth the uniform building code and we were endeavoring to strengthen
32 that code and bring it to a point where it could be fairly well universally
33 adopted, at least up and down the Pacific Coast, and from that time on, I
34 believe that there has been a tremendous increase in the number of cities
35 that have adopted that code. I believe the code is basically good. It is
36 the best code in my opinion that's been put out in the light of uniformity.
37 The Pacific Coast Building Officials Conference have done a splendid piece
38 of work in that field and one of the reasons for its recognition in the
39 field today is the fact that it is continually being changed and brought up
40 to date.
41

42 I believe some persons have mentioned the fact that new editions are
43 put out from time to time. There is a new edition of that code every three
44 years. If the cities and other jurisdictions are on their toes and keep
45 abreast of the adoption of those newer codes. which is a simple matter, I
46 believe that it is about the best possible code regulation that can be
47 looked for in our cities.
48

49 With that preliminary I want to answer the point, Mr. Kroeger, I
50 don't believe you can expect any community or jurisdiction to completely
51 adopt a code without any modifications of that code. Each community has
52 a character of its own and there are going to be certain changes they are
53 going to want in that code to meet the local conditions. You will find
54 that those changes are usually reasonably small in number and they do not
55 affect your basic code requirements. They are usually some little frills
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4 or extras that that community feels they would like to have a little
5 better than the regular run of the mill communities, and I can't blame a
6 a community for wanting certain things that are entered into that.
7

8 Just as an example, in 1937, when my community first adopted the
9 code we had some twenty-five pages of corrections and modifications. The
10 last code that we adopted had about half a page, relatively small, and yet
11 though you might say they are little things, they are things we felt from
12 our local character should belong in there. Now, those things are easy
13 to pick up, and those that are in the field of building, when you bring
14 it down to small items of that kind, it is not going to be a complicated
15 thing, and I believe you will find that over and along with most cities
16 that is the picture of what has happened--that if there are changes, they
17 are relatively few and as it goes on you will find less and less of that
18 type of thing.
19

20 MR. KROEGER: Then, you think there is hope that we are working
21 closer and closer to it?
22

23 MR. CLOUGH: I believe there is, but I don't think you can expect
24 you are going to get complete uniformity and I don't believe you should
25 ask for it.
26

27 CHAIRMAN STEWART: Do you think that the uniform code, so-called,
28 could apply to the state as well as local government?
29

30 MR. CLOUGH: I don't see any reason why that code could not be used
31 as a model or any other. The Pacific Coast Building Officials Conference
32 uniform code is now recognized nationally, and there is no reason why the
33 state could not encompass that just as the counties and cities do and use
34 it as an example at least.
35

36 MR. WATERS: Was it your recommendation that the state commission,
37 if created, be merely advisory in capacity and not have any authority?
38

39 MR. CLOUGH: That was my thought, yes, it was.
40

41 CHAIRMAN STEWART: Mr. Klein, did you want to address the committee?
42

43 MR. KLEIN: I just have one comment to make. My name is Robert Klein.
44 I am City Manager of Monterey Park. There is general agreement among city
45 managers group, that codification of the building laws of the State of
46 California is absolutely necessary. I don't see how anyone or any group
47 can protest this action. One very important point that would be cleared
48 up immediately by this action would be the general trouble which exists
49 at the present time between cities and school districts over building per-
50 mits and building regulations and one other important aspect of this is
51 that if the code were prepared there may be a difference--it may reflect a
52 different action or second step once it were prepared than possibly exists
53 in the minds of the committee at the present time.
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4 CHAIRMAN STEWART: Thank you very much. Is there any question of
5 Mr. of Mr. Klein? The next witness is Frederick Chase, legislative coun-
6 cil of California State Builders Exchange.

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8 MR. CHASE: My name is Frederick Chase, legislative council, Cali-
9 fornia State Builders Exchange. Mr. Chairman and members of the committee
10 I am executive secretary of the California Council of Architects. However,
11 I have been asked by the legislative council of the State Builders Ex-
12 change to make this statement which you have here. I would like to say
13 that the California council of California Architects concurs in this
14 statement. I don't know whether it is necessary to read it to you. We be-
15 lieve essentially that there should be a state commission created which
16 would study this problem and make recommendations and I believe it is
17 spelled out here. If there are any questions we would be very glad to have
18 them.
19

20 MR. McMILLAN: I would like to ask a question. I haven't had an op-
21 portunity to read this statement, Fred, but your statement was that you do
22 recommend a state agency or a uniform code?

23
24 MR. CHASE: We believe that there should be a state commission created
25 perhaps with a life of a couple of years, representative of the construction
26 industry and of local building officials and of the state administration,
27 because it is a very complicated problem. We all recognize there are ten
28 or eleven state departments now having regulations. We realize, too, we
29 can't finally get order in this regulation business without some statutory
30 exchanges, for example, the State Housing Act. We don't see how it would
31 be possible to make the complete study and to recommend a program which
32 could be accomplished at the next session of the Legislature, so we thought
33 it would be best to take this first stop and perhaps at the end of a year
34 or two have a more complete plan.
35

36 MR. McMILLAN: Would this committee be able to perform that function
37 in your opinion?

38
39 MR. CHASE: We thought it should be a commission with a technical
40 background. We would like to have an architect, construction engineer,
41 mechanical engineer, electrical engineer and probably a contractor and cer-
42 tainly a representative of the Pacific Coast Building Officials Conference
43 and somebody, maybe more than one representative representing the regula-
44 tory bodies of the state administration who are familiar with the problems
45 and try to work out some kind of a unified plan which will eventually bring
46 the solution.
47

48 We believe that the practical side of the industry, that is, the
49 people who have to work with these regulations should be able to help the
50 state compile and try to create a little more order in the regulations.
51 We say that there should be home rule, particularly where you have an area,
52 a local jurisdiction whose code is adequate and have the proper agency.
53 We believe that the differences between cities and counties and their
54 code is not nearly as serious a problem as it would appear to be, that the
55 principal problem is between the state and the cities and counties.
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4 And we believe, too, that regulations are important, but that the enforcement
5 is also a very important subject. With the duplicating and over-
6 lapping and confliction, enforcement is perhaps as big if not a bigger
7 problem than the actual regulations themselves. Do you gentlemen have any
8 questions?
9

10 MR. KROEGER: I have two questions. Do you think it would be pos-
11 sible to set up a group of advisory committees that could work with a
12 legislative committee, coming back to Mr. McMillan's question? I see
13 your point on technical competence. Let me give you the background of
14 my question. There has been a great deal of concern expressed here that
15 any commission of this sort will perpetuate itself. I think that it is
16 probably true that if we establish an administrative body, which then has
17 to be staffed with civil service employees with retirement rights, they
18 might want to stay in business, so you are not apt to accomplish what a
19 legislative committee would. So could a committee working with industry
20 advisory committees and whatever staff the legislative committee provided,
21 do the job?
22

23 MR. CHASE: Well, that might even be better because we are conscious
24 of the evil you suggest. We don't like the idea of creating any more state
25 bureaus or agencies or commissions. It might be that you could have a
26 technical committee in which the industry would serve, working with your
27 committee. That would accomplish the same purpose. We suggest the first
28 step is the compilation of all the regulations. That will show where
29 conflicts occur and where there is overlapping and so forth. That job
30 would be quite a little chore and some staff would have to do it whether
31 it were the legislative committee staff or a staff of an administrative
32 commission. And the idea you just suggested hadn't been before us when
33 we did make this report, but just off the cuff I think it would have a
34 great deal of attractiveness to us. I can't speak for the legislative
35 council because that council's expression is contained in the statement,
36 but I will comment that the idea had not been presented to us at that
37 time.
38

39 MR. KROEGER: One other question. I haven't had a chance to read
40 your statement yet. We have had conflicting testimony on the advisability
41 of putting all these resulting regulations into statute as against pre-
42 serving them as administrative regulations. Do you cover that or do you
43 have anything to say on that?
44

45 MR. CHASE: We are silent on that. However, the feeling of the
46 committee which studied this and reported to the legislative council and
47 I believe the feeling of a good many of the architects is that there is a
48 danger in trying to freeze into law regulations which necessarily are very
49 detailed and which from time to time must be changed through experience
50 or through new materials, new building techniques.
51

52 One objection that has been made to a centralized state regulation
53 anyway is the difficulty of getting modifications in local areas and as
54 far as I am concerned this would just compound the evil because then it
55 would be necessary to prepare a bill and get it though the Legislature and
56 have it signed by the Governor before you could make changes in the regu-
57 lation. I don't know how the committee feels about that, but also it
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would be a great burden on the Legislature to try to create bills for those regulations. Certainly they are highly technical.

CHAIRMAN STEWART: Anyone else in the audience that wants to make a statement to the committee? We will meet this afternoon. Is there anyone here that isn't on our agenda that wants to be heard this morning? (There was no response.) The committee will adjourn until two o'clock.

(Thereupon the committee recessed for lunch.)

FRIDAY, OCTOBER 27, 1950, 2:00 O'CLOCK, P. M.

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CHAIRMAN STEWART: The committee will come to order. Mr. John C. Stafford.

MR. STAFFORD: My name is John C. Stafford. I represent three manufacturing companies, Ry-Lock Limited of San Leandro, California, Rudiger Lang Company of Berkeley, and the Columbia Mills, Incorporated.

CHAIRMAN STEWART: All right, Mr. Stafford.

MR. STAFFORD: First of all, I want to take the opportunity of commanding your committee, Mr. Stewart, from our industry standpoint for the action you are taking in trying to eliminate the overlapping of the various means in the state of controlling construction. We think it is a very forward step and we want to commend you and your committee for the actions you are taking. I want to bring to your attention Section 17808 of the State Housing Act. The title is "Screening". Section 17808 "Whenever necessary for the health of the occupant or for the proper sanitation or cleanliness of any building, metal mosquito screening at least sixteen mesh set in tight fitting removable sash shall be provided for each exterior door, window, or other opening in the interior wall of the building."

Now, the statements that we want to make before your committee are to the effect that this particular section 17808 is obsolete in today's market and today's time. First of all the reference to metallic wire. The use of plastic wire has been accepted for a number of years and has served functionally very very well and so the act in referring to metallic wire definitely does not include the use of plastic wire which is an improved product and a proven product.

Secondly, the mesh referred to is sixteen. During the early part of World War II the United States Bureau of Standards adopted the mesh of eighteen-fourteen as a standard for insect screen and has used it ever since. As a matter of fact there are very very few screens of sixteen inch mesh manufactured today. I venture to say there is very very small percent of screens actually being used in the state today are of sixteen mesh.

Third, the wording of the section definitely is limiting from the standpoint of construction. The section, we believe, was unquestionably

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4 written at a time when the method of screening dwellings and other buildings
5 was limited to what is referred to as the conventional wood frame screen.
6 Since that time other types of screen have been developed which were not
7 in the market and not known at that time and the section is apparently
8 written around what was available then.
9

10 I believe the act was written in 1924 or sometime back in there. We
11 want to make reference particularly to a type of screen which is sometimes
12 known as a frameless screen. You people may not be acquainted with the
13 screen, but for your information there are millions actually in use on the
14 the west coast alone and more particularly in California. There are
15 probably several hundred thousand homes actually equipped with this type of
16 screen and we maintain that the screen has a definitely improved functional
17 value on a home which we don't want to take the time of you gentlemen to go
18 into now, but we believe we can establish that if it is of interest to you.
19

20 Second, it is definitely less costly, both initially and eventually.
21 It actually costs a home owner less to have us buy the screen in his
22 initial cost and less to maintain throughout the years, and for that reason
23 we feel that this Section 17808 should either be amended or something done to
24 limit it to functional value of the product rather than construction as the
25 act is actually written at the present time.
26

27 CHAIRMAN STEWART: Thank you. Any questions? (None). The next is
28 Mr. Charles Senn.
29

30 MR. SENN: My name is Charles L. Senn, civil engineer, director of
31 the Housing and Sanitation Inspection Program of the Los Angeles City
32 Health Department.
33

34 We are naturally concerned with the enforcement of maintenance
35 requirements in housing units and other buildings in the city, and the
36 city health department has been operating under certain administrative
37 provisions of the State Housing Act since they were adopted in about 1913
38 or thereabouts. We would like certain of the provisions to state clearly
39 the responsibility.
40

41 For instance, there is one statement that says that the building
42 department shall be responsible for all construction, insulation, remodeling,
43 moving of buildings; the building department shall certify as to what the
44 building is constructed for, what it may be used for. And then the next
45 section says that the housing department or if there is none, the health
46 department shall be responsible for all items of maintenance, use, occupancy,
47 and sanitation.
48

49 We think those two programs have worked together extremely well for many
50 years. We think that naturally sanitation, keeping plumbing in order,
51 keeping the buildings free of pests and clean is something that requires
52 regular inspection and in the course of that we like the feature that the
53 health department can also require replacing broken windows and things like
54 that that would naturally be observed during an inspection. We like some
55 of the very broad provisions of maintenance in the State Housing Law, like
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4 Section 17808 which says that every building shall be maintained in good
5 repair. I am sure the committee would be amazed at the vast amount of
6 repairs that are accomplished through that one simple section and with very
7 little difficulty. It is so clear and it does permit the accomplishment of
8 a great amount of work.

9
10 Another Section like 17811 requires that all buildings be maintained
11 in a clean condition. Every part is again clear and broad and I wouldn't
12 say—well, from the over-all standpoint I believe we in the local health
13 department and perhaps other health departments to a large extent are very
14 much in favor of broad overall state minimum requirements where they can be
15 agreed to as a state minimum and are enforceable wherever possible and
16 practical by the local people, enforced and supervised, if need be, by state
17 agencies to see that the local people do their jobs.

18
19 I think in the main we would not like to see state laws become maximums
20 as they do so often, but rather to be minimums. I presume the committee has
21 heard quite a bit about how much headache it is to a builder or architect
22 to get clearance with other agencies. I agree with that, but I feel that
23 there are certain cases where it is definitely to the advantage of the
24 builder or the architect to get all the advice which they cannot get from
25 a building department because no one man can know all about a building.

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27 If an architect, or an owner of a proposed hospital comes to our
28 department they have their plans viewed for the hospital. A nurse who
29 has had twenty-five years of experience in supervising the sanitary and
30 healthful operation of nurseries will look over the arrangements for the
31 quarters of the nurse that looks after the infants. She will look over many
32 little things that she herself is expert on and I think they get invaluable
33 advice by such consultation.

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35 The dairymen who wish to build a dairy barn gets in touch with the
36 dairy inspector who is going to check it after while and the dairy inspector
37 remembers that they should have a cabinet to put their filters for filtering
38 the milk, and he remembers little things that are of inestimable value to the
39 dairymen, and so I do feel that a certain amount of consultation like that is
40 desirable.

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42 I might say, too, in the dairy field there is one example of the type of
43 requirement that is not contained in a building code generally where the State
44 Department of Agriculture can and does consult the agricultural engineers
45 of the universities, the dairy industry and others and they develop standard
46 construction requirements for a dairy farm. And by state law, once a dairy
47 farm is built in accordance with those minimum standards, no local agency
48 can require more and that has done wonders in California.

49
50 Some of the committee members may have read in the Readers Digest an
51 article on the overlapping of milk jurisdictions and the problems around St.
52 Louis where St. Louis might require six hundred cubic feet of air space for
53 a cow and Kansas City four hundred and so forth. So, if a dairyman could
54 make more money by shipping milk to St. Louis he can't do so until he enlarges
55 his barn, puts in more windows and builds a different milk house. That is not

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4 true in California. If a dairyman wants to ship from one jurisdiction to
5 another he can do so in California because the state law authorizes the state
6 Department of Agriculture to establish minimum standards for the dairy barn.
7 They are both minimum and maximum.
8

9 On the other hand it would be bad to have all state laws be maximums.
10 We have had instances where the state law has done odd things by usurping
11 a field of legislation. You had an interesting illustration some couple
12 years ago when all the pest control operators in the Los Angeles area worked
13 with us in developing a modern local ordinance. We met with them repeatedly
14 and finally they appeared before the Board of Health Commissioners and the
15 city council endorsing an ordinance, and when the city attorney got the
16 drafting of the ordinance, he found there was a state structural pest control
17 act which gave all such authority to state structural pest control boards.
18 He said that not only did the city not have any right to make any laws in the
19 field of pest control including how they can put poisons around a restaurant
20 or putting cyanide gas under a building, but they had no right to enforce the
21 state law.
22

23 We for years had been supervising how they applied hydrogen cyanide to
24 buildings. But, now we could not enforce any of that and they had to
25 depend on the one man they had to cover from Tehachapi down to the Mexican
26 border because of the peculiar quirk of a state law.
27

28 There have been some good changes in the law, I thin, from the stand-
29 point of helping the businessmen. For instance, at the last session of the
30 Legislature, the law relating to trailer parks was changed. I want to go
31 back a few more years when the state legislature changed the trailer park law
32 to require trailer park operators throughout the state to obtain a license
33 from the State Housing Division. We in some jurisdictions had our own laws
34 for years and now along came another agency to duplicate our inspections, to
35 charge another fee.
36

37 Plans had to be approved by the State Housing Division as well as by the
38 the local building department. So at the request of the League of California
39 Cities and the support undoubtedly of men like you, the law was amended at
40 the last session to say that when a local unit of the government is enforcing
41 a law substantially as strong as the state law, then the state will not
42 duplicate inspections and the state will not charge a license. That was a
43 very good move as far as the California Trailer Park and Motel Association
44 is concerned, and everybody was happy to be relieved of the duplicate
45 responsibilities and duplicate inspections.
46

47 I feel there are certain very good basic provisions of the State Housing
48 Law that should not be changed unless there is careful consideration given to
49 them. One concrete suggestion we are working on now and hope to discuss with
50 our coworkers in the city, Mr. Morris the building-safety chief, and Mr.
51 Boone here, and others and that pertains to some way whereby the maintenance
52 provisions could be separated in the state housing act and then the
53 construction features could be amended in any way that is needed and amended
54 as often as needed, but the maintenance provisions need not be changed every
55 time the rest of the act is changed. I think that probably could be done.
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4 CHAIRMAN STEWART: Thank you, Mr. Senn. Now, that concludes the
5 list of the people that requested to be heard, but if there is anyone in
6 the audience that wants to address the committee on this problem enumerated
7 in the resolution, we would be glad to hear from you. We have endeavored to
8 give this meeting all the publicity we could.
9

10 Now, if there is anybody that wants to talk to the committee about
11 overlapping jurisdictions, building regulations as they affect them in their
12 community, why we are glad to hear from you. If there are not, the hearing
13 is adjourned.

14 (Thereupon the hearing adjourned.)
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